

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)

CHENNAI

Original Application No. 213 of 2021 (SZ)

S. Sakthivel ... Petitioner

Vs.

The Secretary to Government of India,
Ministry of Environment and Forest and Climate Change

And 5 others ... Respondent

**INDEX TO THE TYPED SET OF DOCUMENTS FILED BY THE SIXTH
RESPONDENT**

S.No	Date	Description	Annexures	Page No.
1.	01.02.2022	Reply Statement filed on behalf of the Sixth Respondent		1-33
2	01.02.2022	Reply to the Status Report filed by Joint Committee dated 23.01.2022		34-39
3	01.02.2022	Reply to the Status Report filed by Second Respondent		40-44
4	01.02.2022	Reply to the Report Filed by Respondent No.4 dated 23.12.2021		45-47
5.	11/07/2005	Application to the Secretary of the Government under Rule 24 (A) (1) of Mineral Concession Rules 1960	R1	48-61
6.	09/02/2006	Application for Environmental Clearance	R2	62-63
7.	17/08/2006	Interim Order issued by the Hon'ble Madras High Court in W.P. No, 25518/2006	R3	64-67
8.	17/08/2010	Application submitted to MoEF, New Delhi vide letter no. SL: GO: 55200(1)	R4	68-70
9.	12/10/2011	Application for Environmental Clearance in Form 1 under EIA Notification, 2006 vide its letter No.SL: GO:55200(1)	R5	71-73
10.	19/03/2018	Acknowledgement slip for TOR Application	R6	74
11.	18/06/2019	Demand Memo vide ROC.No.45/2018/D-1/Mines-A issued by the Respondent No. 3 to Respondent No. 6	R7	75-77
12.	08/07/2020	Demand Memo vide ROC.No.45/2018/M-9/Mines-A issued by the Respondent No. 3 to Respondent No. 6	R8	78-80
13.	18/01/2020	Notice of temporary discontinuance of mine under Rule 28 of Mineral Conservation and Development Rules,	R9	81-82

		2017 to The Regional Controller of Mines		
14.	04/05/2020	Notice issued by the Respondent No. 4 in Proceedings No.DEE/TNPCB/SLM/F.0006/2020 to the Respondent No.6	R10	83-84
15.	05/02/2021	Term of Reference issued by Respondent No.1	R11	85-92
16.	03/12/2021	Email with regard to consideration of proposal in next EAC meeting.	R12	93
17.	17.11.2021	NOC from State Water Resource Department, PWD, Government of Tamilnadu vide Lr.no OT8/AG-2/176/NOC/Salem/2021.	R13	94-96
18	24.09.2021	Description of Flora & Fauna around Chettichavadi Jaghir Mines for the zone area of 10 kms all around the periphery of the core zone is issued by TN Forest Department vide C No-598/2021.	R14	97-103
19	01.02.2022	Proof of Service	-	104

Dated at Chennai on this the 1st of February, 2022.

FILED BY

V.S. Rishwanth

M/s. S.Raghunathan

T.Poornam

Sharanya Vaidhyanathan

V.S. Rishwanth

Haji S.Madharsha & Sons building,
5th Floor,

No. 148, Second Line Beach,

Chennai -600 001

Email: nrrandschennai@gmail.com

Phone: 044 - 25342012

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)

CHENNAI

Original Application No. 213 of 2021 (SZ)

S.Sakthivel

Environmental Protection and Anti-Pollution Group

S/o P.K.Subramanyam

Alagu Vinayakar Kovil Street,

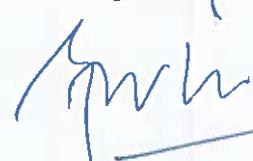
Fairland, Salem 636016

...Applicant

Vs

1. The Secretary to Government of India
Ministry of Environment and Forest and Climate Change
Indira Paryavaran Bhawan Jorbagh Road,
New Delhi 110003
2. The Director,
Department of Geology and Mines,
Industrial Estate, Guindy, Chennai 600032
3. The District Collector,
Collectorate, Salem 636 001
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Siva Tower, 2nd Floor, Salem 636004
5. The Member Secretary,
Central Ground Water Authority
Jam Nagar House,
18/11 Man Singh Road, New Delhi 110011
6. The Managing Director,
Dalmia Bharat Sugar and Industries Ltd.
Chettichavadi, Jagir Magnesite and Dunite Mines,
Chettichavadi Village, Salem West Tk.
Salem 636 012

...Respondents



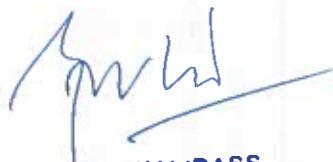
P. G. KALIBASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION)
SALEM-636 012

24.04.2021
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
C/O. DALMIA MAGNESITE CORPORATION,
SALEM-636 012

REPLY STATEMENT FILED ON BEHALF OF
THE SIXTH RESPONDENT

The 6th Respondent above named states as follows:

1. The 6th Respondent is a Company incorporated under the Companies Act, 1913 and having its works at Chettichavadi, Jagir Magnesite and Dunite Mines Chettichavadi Village, Salem West Tk. Salem 636 012 and Registered Office at Dalmiapuram-621651, Tamil Nadu (hereinafter **6th Respondent / Answering Respondent**)
2. The address for service on the Respondent is that of its Advocates M/s.S.Raghunathan, T. Poornam and Sharanya Vaidhyanathan, Advocates having their office at 5th Floor, Haji S. Madharsha Building, No.148, (Old No.44) Second Line Beach, Chennai 600001.
3. Answering Respondent has perused the Original Application (**Application / OA**) filed by the Applicant. It is submitted at the outset that, Answering Respondent i.e. Managing Director, Dalmia Bharat Sugar and Industries Ltd is not a proper and necessary party to this Application as he is not involved in day to day operations of Dalmia Bharat Sugar and Industries Ltd /mining operations at Salem. The Application is bad for the misjoinder of the Parties and is liable to be dismissed on this ground alone. Without prejudice to the forgoing, further submissions of Answering Respondent are as under.
4. All the allegations qua Respondent No.6 as contained therein are denied. It is submitted that any allegations/averments not specifically denied herein shall not be construed as any admission on the part of Answering Respondent of such allegations/averments. The Applicant is therefore put to strict proof of all such averments and allegations


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION,
SALEM-636 012

P. G. KALIDASS
AGENT & MINES MANAGER
CHETTICHAVADI JAGHIR MINES
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.
(C/o. DALMIA MAGNESITE CORPORATION)
SALEM-636 012

Preliminary Objections

5. Answering Respondent states that, at the outset, the Application is not maintainable either in law or on facts in as much as the same is time barred under Section 14 (3) of the National Green Tribunal Act, 2010 ("Act"). The present Application therefore deserves to be dismissed *in limine*, for the reasons set out below-

i) It appears that the Applicant trying to seek directions from this Hon'ble Tribunal, to direct the Statutory Respondents, to initiate certain action, by making certain unfounded allegations and to prevent Answering Respondent from carrying on further activities relating to mining of Magnesite and Dunite. It is clear from the Application that the same has been filed only to agitate the enforcement of the Applicant's alleged legal right relating to environment and to direct the Statutory Authorities viz. Respondent No.1 to 5 for initiating certain action. It is not the case of the Applicant that owing to the past operations of Answering Respondent, environmental degradation or damage has been caused. Therefore, the Applicant has not made out any case under Section 15 of the Act.

ii) Answering Respondent has, through communication dated 18.01.2020, submitted notice of temporary discontinuance of mine operations from 27th January 2020, under Rule 28 of Mineral Conservation and Development Rules, 2017, to the Regional Controller of Mines, Indian Bureau of Mines, Chennai-600010 (Exhibit-R10). Answering Respondent has, voluntarily, temporarily discontinued its mining operations effective from 27th January, 2020, to await the grant of Environmental Clearance (EC). A notice of temporary discontinuation dated 14th Jan 2020 had already been sent to the Director General of Mines Safety.

It is pertinent to highlight that Respondent No.6 had filed an application seeking EC, as early as on 9th February, 2006 and the application has been kept pending for over a decade. The application

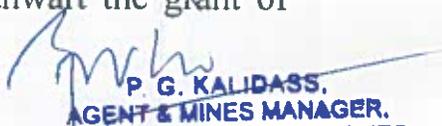

P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION
CAL 636 012

for EC was made by the Respondent, when the second renewal of its mining lease was becoming due on 20th August 2006. It is also pertinent to mention here that Respondent also moved its application for second renewal of mining lease on 11th July 2005. Since Respondent No. 1 and Respondent No. 2 failed and neglected to grant EC and pass orders on the renewal application of mining lease, Answering Respondent continued mining operations under provisions of deemed extension under Section 8A (5) of the Mines and Minerals (Development and Regulation) Act, 1957 (herein after referred to as "MMDR Act") and on the basis of interim relief (order dated 17th August 2006) granted by Hon'ble Madras High Court in W.P. No. 25518/2006 filed by Answering Respondent, seeking intervention of the Hon'ble High Court, on the issue of grant of second renewal of its mining lease. The said interim order is still in force.

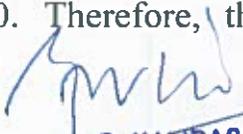
- iii) So far as the facts of the present case are concerned, the 6th Respondent has not been operating the Mines since 27th January, 2020 and the cause of action, if any, under Section 14 of the Act could have arisen only when the mining activities were carried on by the 6th Respondent. Consequently, the Application having been filed, about 20 months after the accrual of the cause of action, is hopelessly barred by limitation, as has been held by the Principal Bench of this Tribunal by an order dated 20th January, 2016 in O.A.No.182 of 2013 in the case of *Randhir Singh and others Vs. State of Haryana and others* In the said decision, this Hon'ble Tribunal, after noticing the distinct provisions contained in Sections 14 and 15 of the Act, including the different periods of limitation prescribed therein, has held that the Application under Section 14 of the Act would be hopelessly time barred and that the Tribunal cannot even entertain the Application, if any, filed beyond the prescribed period of six months, including a short period of sixty days mentioned for condonation of delay.
- iv) It is clear from the provisions contained in Chapter III of the Act and in particular Section 14 to 18 thereof, that the jurisdiction and powers

of this Hon'ble Tribunal under each of the aforesaid provisions, are distinct and independent and even the period of limitation prescribed under Sections 14 and 15 are distinct and independent. For instance, an Application under Section 14 is mandatorily required to be filed under sub section (3) thereof, within a period of six months from the date on which the cause of action has arisen whereas under Section 15 (3) of The Said Act, this Hon'ble Tribunal cannot entertain an Application under Section 15 beyond a period of 5 years, subject to grace periods.

- v) By filing the present Application, the Applicant is attempting to prevent the Respondent authorities/statutory Respondents from exercising their powers vested under the relevant statutes. Answering Respondent states that the Applicant is admittedly aware of the pendency of the Answering Respondent's application for grant of Environmental Clearance (EC), before the 1st Respondent, having participated in a public hearing at the 6th Respondent's premises at, old colony canteen building in Chettichavadi Village, on 3rd September 2021, which was conducted in relation to the grant of EC. Further, whenever in the opinion of the Authorities, there has been any violation in the operations of the 6th Respondent, show cause notices have been issued to Answering Respondent, and the allegations therein have been contested and clarified by Answering Respondent. Therefore, it is not as though the statutory Respondents have turned a blind eye to the activities carried on by Answering Respondent or the manner in which the mines have been operating, as alleged by the Applicant.
- iii) Answering Respondent had also applied for grant of Environmental Clearance initially before the Government of Tamil Nadu and thereafter before the 1st Respondent. The Answering Respondent has been given to understand that its application for EC, is at a very advanced stage, at present. The Applicant, with a view to create a prejudice against Answering Respondent and to thwart the grant of


P. G. KALIDASS,
 AGENT & MINES MANAGER,
 CHETTICHAVADI JAGHIR MINES,
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 17/6, DALMIA MAGNESITE CORPORATION,
 CAL EM-636 012

- viii) The present Application is, *ex facie*, an abuse of the process of law, and is frivolous and vexatious in nature. It appears that this Application has been filed by parties with certain vested interests, in furtherance of some ulterior motives in as much as the application for grant of EC is still pending consideration before the 1st Respondent and is at present, in an advanced stage, after compliance with all the procedural requirements, including the mandatory public hearing, under the EIA Notification of 2006. The Applicant, therefore does not have *locus standi* and is not entitled to approach this Hon'ble Tribunal, at this stage. The present Application, is at best premature and is based entirely on baseless apprehensions and conjectures concerning the mining operations of Answering Respondent.
- ix) The Applicant has also not made out any case under Section 15 of NGT Act to seek relief and compensation or for compensation due to other environmental damage, therefore the present Application is also not maintainable under the said provision.
- x) As stated above, the present Application under Section 14 of Act is severely time barred since the Answering Respondent has suspended its mining operations from 27.01.2020. An application if any under Section 14 of the Act, ought to have been made within a period of six months from the date *when the cause of action first arose* and the Applicant cannot seek condonation of delay beyond a further period of sixty days nor can this Hon'ble Tribunal entertain an application filed after six months and sixty days.
- xi) The cause of action in this case, if any, arose in favor of the Applicant as soon as the NGT Act came into force on 18th October 2010 because Applicant herein is alleging that Answering Respondent is carrying on mining without EC from the period prior to the Act coming into force. In any event, the mining operations of Answering Respondent has been voluntarily closed since 27th January 2020. Therefore, the

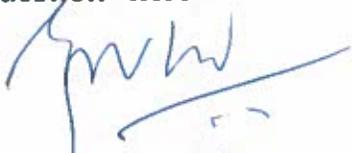

P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION)
SALEM-636 012

present Application is barred by limitation, with no recourse available to the Applicant for condonation of delay.

- xii) The complaint filed by the Applicant herein is baseless and without any substance particularly since the present Application is bereft of required particulars about the mining operations of Answering Respondent. The present Application is based on the select information which have been presented in a concerted manner with the sole aim to tarnish the image of Answering Respondent and to stall the grant of EC by the 1st Respondent.
6. In view of the foregoing, it is most respectfully submitted that the present Application, is liable to dismissed as not maintainable.
7. Without prejudice to the above, Answering Respondent has set out the complete factual background, for a proper appreciation of the issues involved in the matter.

Facts in Brief

- a) Answering Respondent is engaged, amongst others, in the business of mining Magnesite and Dunite minerals and in the manufacture of dead burnt Magnesite/Monoliths and Magnesia carbon refractory bricks, and other Refractory products. The Government of Tamil Nadu originally granted a mining lease in favor of the Answering Respondent for mining of Magnesite and Dunite vide G.O.Ms.903 dated 25th February, 1966 and G.O. Ms. No. dated 30th June, 1976, respectively. Answering Respondent is a responsible corporate citizen of this country and has been in existence for more eight decades. Answering Respondent has been duly compliant with the laws applicable and norms prescribed, from time to time and has also proactively adopted environmentally safe industrial practices. That apart, Answering Respondent, contributes generously and regularly not only to the State exchequer but also to society through its various corporate social responsibility/ beyond business initiatives, most notable amongst them is pertaining to the mines in question here wherein

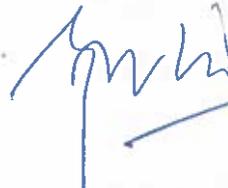

 P. G. KALIDASS,
 AGENT & MINES MANAGER,
 CHETTICHAVADI JAGHIR MINES
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 (C/o. DALMIA MAGNESITE CORPORATION)
 SALEM-636 012.

provisioning for water reservoirs is provided, which caters to more than 18 surrounding villages and Salem City Corporation.

- b) The second renewal of the mining lease in question was due in Aug 2006 (19th Aug 2006). Answering Respondent applied for second renewal of the aforesaid mining lease in due compliance of Mining Lease Deed dated 30th March, 1998 and Rule 24 (A) (1) of Mineral Concession Rules 1960 (MCR 1960), *vide* its application dated 11th July, 2005 (Exhibit-R2) which was well before the 12 (twelve) months of the scheduled expiry of the mining lease. However, since no orders on renewal of mining lease or refusal to grant renewal of mining was passed, the said mining lease continued to remain in existence by virtue of *deemed extension* in terms of Rule 24 A (6) of MCR 1960. Later, by virtue of Sec 8A (5) of the MMRD Act, the said mining lease got extended up to 31st March 2030 being a captive mine.
- c) In due compliance with the Environment Impact Notification of 1994, as amended by circular dated 28th October, 2004, which mandated environmental clearance (EC) at the time of renewal of mining lease, Answering Respondent also simultaneously applied for Environmental Clearance, on February 9, 2006, with the 1st Respondent, through the Secretary, Industries Department, and Government of Tamil Nadu, as per the prescribed procedure at the relevant time.
- d) The application for Environmental Clearance, as filed by Answering Respondent on 9th February, 2006, (Exhibit-R3) was not processed by the authorities concerned, for a period of 4 (four) years and it was returned by the Government of Tamil Nadu in July 2010.
- e) Thereafter, Answering Respondent submitted the said application to the 1st Respondent, *vide* letter no. SL: GO: 55200(1) dated 17th August, 2010. (Exhibit-R5) Subsequently, as directed by the 1st Respondent, Answering Respondent also submitted application for Environmental Clearance in Form 1 under EIA Notification, 2006 *vide* its letter No.SL: GO:55200(1) dated 12th October, 2011 (Exhibit-R6).


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION)
SALEM-636 012.

- 10
- f) Later on, in pursuance of said application for EC, the Terms of Reference (TOR) was published by the 1st Respondent, on its website in April 2012. However, no further action was taken by the 1st Respondent for grant of EC for want of credible action against Answering Respondent for carrying on mining operations without EC during the period started from August 2006, when the renewal of mining lease fell due. Despite the categorical findings of Jharkhand High Court in the matter of *Hindustan Copper Vs Union of India* W.P. No, 2364 /2014, vide orders dated 28.11.14, wherein it was observed by the said Hon'ble High Court that processing of EC application and, credible action for alleged violation are independent of each other and processing of EC, application cannot be withheld for want of credible action, Answering Respondent's application for EC was kept pending. Further, based on the directions of the 1st Respondent, the Tamil Nadu Pollution Control Board ("TNPCB") also stopped grant of Air Consent and Water consent after 2013.
- g) Later on, the 1st Respondent again took up the application for grant of EC filed by Answering Respondent, treating it as a violation case as per MOEF & CC Notification S.O.804 (C) dated 14.03.2017. Answering Respondent applied for EC under violation case. The Application filed by Answering Respondent on 16.03.2018 was acknowledged by MOEF on 19.03.2018 vide IA/TN/MIN/73566/2018 (Exhibit-R7). Based on the above proposal, in the EAC Meeting held on 31.12.2020, TOR was granted to Answering Respondent. On 31st December, 2020 an Expert Appraisal Committee for grant of Term of Reference, recommended for TDR at the meeting itself. Finally, a term of reference has been issued by Respondent No.1 vide its letter dated 5th February, 2021 wherein MOEF issued letter granting TOR directing Answering Respondent amongst others to produce:
- a) valid mining lease documents regarding subsistence/ extension of lease up to March, 2030.

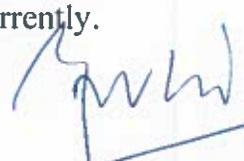

P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION)
SALEM-638 012

- b) Affidavit to comply with the directions of the Supreme Court as per judgment in Common Cause matter. (W.P/ No 114/2014, order dated 02.08.2017)
- h) Answering Respondent had already submitted Affidavit dated 21.10.2019 and 20.11.2019 before Respondent No. 1 to the effect that it shall comply with directions of Supreme Court as per judgment in Common Cause matter, as per law. Answering Respondent is in process of completing requirements of the TOR for issuance of EC and has uploaded its Environment Management Plan on website of 1st Respondent on 29th November 2021 which had been duly acknowledged by Respondent No.1, on 03.12.2021 the matter is now pending before Expert Appraisal Committee of Respondent No. 1 for grant of EC which was alerted vide email dated 03.12.2021 (Exhibit-R14). Answering Respondent also requested Respondent No. 1 to grant EC subject to the issuance of valid mining lease documents which mining lease in the honest opinion of the Respondent has got extended up to 31st March 2030.

- i. The Expert Appraisal Committee of MOEF has considered the application for grant of EC in their meeting held on 15th Dec 2021, The Expert Appraisal Committee of MOEF vide its minutes of meeting held on 15th Dec 2021, has directed Respondent amongst others as under

5) Since, the project proponent could not comply with the specific condition (xviii) of ToR dated 05.02.2021 (submission of valid mining lease documents), PP needs to seek for amendment of ToR by submitting the following evidences related to the following:

- a) The project proponent needs to submit that Chettichavadi Jaghir Magnesite and Dunite Mine is owned by M/s. Dalmia Bharat Sugar and Industries Limited.
- b) The instant mine lease has not been lapsed currently.

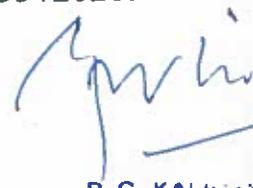

P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION),
SALEM-636 012

12
c) The copy of the court order which has permitted M/s. Dalmia Bharat Sugar and Industries Limited to continue operation in the absence of valid extension of mine lease by DMG.

The Answering Respondent is in process of complying with said directions of MOEF, for grant of Environmental Clearance

- i) The Applicant has himself stated that the 4th Respondent has already initiated proceedings on various occasions under the provisions of Environment Protection Act, Air Pollution (Control & Regulation) Act, Water Pollution (Control & Regulation) Act against Answering Respondent on the alleged ground of mining without EC, after August 2006 when mining lease in question fell due. In fact, the 4th Respondent had recently issued a notice dated 04.05.2020 (Exhibit-R11) to Answering Respondent as to why penal action should not be taken against them under Section 15 of Environment Protection Act, 1986 for the alleged contravention of The Said Act. An appropriate and a very detailed reply dated 06.07.2020 has been sent by Answering Respondent to the 4th Respondent clearly explaining that Answering Respondent has not violated or contravened any law in force. The fact remains that Answering Respondent has exercised its utmost due diligence.
- j) The Respondent No. 3 has issued (a) Demand Memo dated 18th June, 2019, *vide* ROC.No.45/2018/D-1/Mines-A to pay compensation of INR 11.44 Crores (approx.) for mining of Dunite without EC for the period 2001-02 to 2018-19 and (b) Demand Memo dated 8th July, 2020, *vide* ROC.No.45/2018/M-1/Mines-A of the District Collector, Salem-636001 to pay compensation of INR 7.24 Crores (approx.) for mining of Magnesite without EC for the period 2000-01 to 2018-19.

The said demand memos were issued without any notice to show cause or opportunity of hearing. The aforesaid proceedings are being contested by Answering Respondent and pending for final disposal as of now before the Hon'ble Madras High Court in W. A. No. 834 -835 /2020.



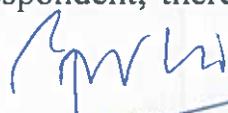
P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
C/o. DALMIA MAGNESITE CORPORATION,
SALEM-636 012.

- k) In the wake of aforesaid proceedings, Answering Respondent has temporarily discontinued its mining operations since 27th Jan 2020. A notice of temporary discontinuation dated 14 01.2020 has already been sent to The Director of Mines Safety, Dhanbad-826001. During the intervening period, prior to the temporary discontinuation, Answering Respondent continued to operate the mines under the bonafide impression that having applied for EC and renewal of mining leases it can validly operate the mines during the period of *deemed extension* and it never breached the production quantity mentioned in the Consent to Operate.
- l) Answering Respondent filed application under Section 20 of MCR 2016 dated seeking extension of period of temporary discontinuation for period exceeding two Years, disposal of the same is pending before the Government of Tamil Nadu.
8. The Application herein is mainly based on four premises (a) Mining Lease in question has not been renewed after 2006 when second renewal of Mining Lease fell due (b) Mining is being carried out without environmental clearances under Environment Impact Assessment Notification of 14th Sep 2006 (EC) (c) withdrawal of water without obtaining the NOC from Central Ground Water Authority and (d) Other Respondents have not taken action against Answering Respondent for mining without EC.

A. Mining Lease in question has not been renewed after 2006

It is submitted that mining lease of the Respondent is a subsisting lease, in view of the following factual and legal position:

- II. In due compliance of Rule 24 (A) (1) of MCR 1960, Answering Respondent applied for the second renewal of mining lease on 11th July 2005 and, also voluntarily surrendered mining lease area ad-measuring an extent of 82.616 hectares. Even after more than 12 (twelve) months from the date of receipt of the said application, i.e. from 1th July, 2005, the Government of Tamil Nadu had not passed any order on the aforesaid application. The mining lease was due for renewal on the 20th August 2006. Answering Respondent, therefore,


P. G. KALIDASS,
 AGENT & MINES MANAGER,
 CHETTICHAVADI JAGHIR MINES,
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 (C/o. DALMIA MAGNESITE CORPORATION)
 SALEM-536 012

SALEM-536 012
 CHETTICHAVADI JAGHIR MINES
 AGENT & MINES MANAGER
 P. G. KALIDASS

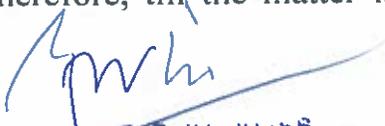
14
 filed W.P. No. 25518/2006 seeking direction of the Hon'ble Madras High Court for timely renewal of its Mining Lease, and the court vide an interim order dated 17th August 2006, (Exhibit-R4) granted interim relief of deemed extension of the mining lease in terms of Rule 24 (A) (6) of MCR1960. The said interim order is continuing and is presently in force. The same is extracted below

"In view of the statutory provision i.e. Rule 24(A) (6) of the Mineral Concession Rules, 1960 if an application for renewal is made within the time referred to in sub-rule (1) is not disposed of by the State Government, the lease period shall be deemed to have been extended by a further period till the State Government passes orders there on there will be an order of Interim injunction. Notice."

The said interim order is continuing as on date.

Later on, Dunite was declared as a minor mineral, vide Notification S.O. 423(E) dated 10th February, 2015, issued by Ministry of Mines, Govt. of India. In the wake of above mentioned Notification S.O. 423(E) dated 10th February, 2015, the fourth Respondent and the authorities concerned, refused to issue transports permits to Answering Respondent on account of Dunite being declared as minor mineral and allegedly on the ground that Answering Respondent did not have any environmental clearance. Answering Respondent, in light of the facts mentioned hereinabove preferred a Writ Petition No. 29275 of 2016 before Hon'ble Madras High Court, seeking appropriate direction to issue transport permits. The Hon'ble Madras High Court vide orders dated 21st October, 2016 directed First Respondent and other authorities concerned to issue the transport permits till the disposal of the Writ Petition. The same is extracted herein below

" 5. Though the Learned Additional Advocate General would submit that the lease, whether such permits can be granted without obtaining the Environment Clearance Certificate, has to be considered in the main Writ Petition and the current problem has arisen only on account of the fact that minerals in question have been declared to be minor minerals. Therefore, till the matter is

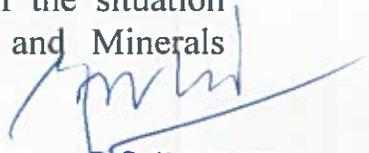

 P.G. KALIDASS,
 AGENT & MINES MANAGER,
 CHÉTTICHAVADI JAGHIR MINES,
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 (C/o. DALMIA MAGNESITE CORPORATION)
 SALEM-636 012.

heard and decided, the Respondent should not refuse to issue transport permits.

The Statutory Respondents concerned challenged the said order dated 21 October, 2016, before this Hon'ble Court vide W.A.No.72 of 2017. The said W.A.No.72 of 2017 was dismissed by this Hon'ble court vide order dated January 27, 2017. Writ Petition W.P.No.29275 of 2016 was, thereafter, finally disposed of by the Hon'ble High Court of Madras vide order dated 11th Jan. 2022 where the Hon'ble Court observed, amongst others, that since the mining operations have been suspended by the Answering Respondent herein and grant of EC is in advance stage therefore Respondent can approach Respondent No. 1 & 2, along with environment clearance, to consider the matter of renewal of its mining lease.

- III. No order of lapse of Mining Lease was passed by Respondent No. 2 before the Mines & Mineral (Development & Regulation) Act 2015 came into force and therefore by virtue of Sec 8 A (5) of the Mines & Mineral (Development & Regulation) Act 1957, the mining lease of the Answering Respondent has got extended till 31st March 2030 being a captive mine.
- IV. In this regard attention is also invited to the judgment of the Hon'ble Supreme Court, dated 4th April, 2016, in the W.P.(CIVIL) No 114 of 2014 and W.P.(CIVIL) No 194 of 2014 wherein Apex Court in para 32 (v) observed as under;

“———A leaseholder who had moved a second (third or subsequent) renewal application under Section 8(3) of the un amended MMDR Act, at least twelve months before the renewed lease was due to expire and, whose application had not been considered and rejected (though not entitled to any benefit under the un lamented Section 8A of the MMDR Act and the amended Rule 4A(6) of the Mineral Concession Rules) up to 12.1.2015, would still have the benefit of sub-sections (5) and (6) of Section 8A of the amended MMDR Act, in view of the situation sought to be remedied by the Mines and Minerals


P. G. KALIDASS,
 AGENT & MINES MANAGER,
 CHETTICHAVADI JAGHIR MINES,
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 C/o DALMIA MAGNESITE CORPORATION
 SALEM, INDIA

16

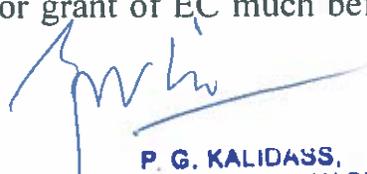
(Development and Regulation) Amendment Act,
2015.....”

- V. In view of the forgoing it is clear that mining lease of the Answering Respondent has been extended till 31st March 2030, being a captive mine.
- VI. The impact of delay in grant of EC on the deemed extension of mining lease is also pending in W.A No. 834-835/2020 before Hon'ble Madras High Court. Moreover, grant of EC which was pending since long is now also in the final stages of grant,
- VII. Answering Respondent has submitted its notice for temporary discontinuation of mining operations with effect from 27th January 2020 to await grant of EC.
- VIII. Answering Respondent has moved an application under Rule 20 of Mineral Concession Rules to seek permission to keep the mining operations closed beyond two years, in case grant of EC is delayed January 2020.

In view of the forgoing it cannot be said that mining lease of the Respondent has not been renewed since August 2006, as a matter of facts the mining lease of the Respondent has now got extended up to 31st March 2030.

B. Mining is being carried out without EC

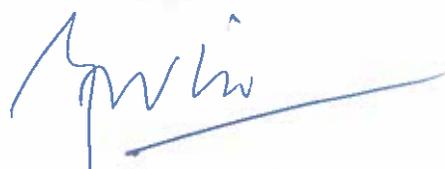
- I. In this regard, Answering Respondent states that Answering Respondent became liable to take EC only when its second renewal of its mining lease fell due in August 2006. Prior to 2006 the Respondent was neither required to take EC in terms of EIA Notification of 2006 nor is there any allegation by the Statutory Respondents that Answering Respondent was obligated to have EC prior to August 2006. Answering Respondent was carrying on its mining operations under the provisions of *deemed extension* post August 2006 with no further enhancement in its production capacity after duly applying for the second renewal of mining lease and for grant of EC much before


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
C/o. DALMIA MAGNESITE CORPORATION,
SALEM-636 012

RECEIVED
GENERAL MANAGER
CHETTICHAVADI JAGHIR MINES
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.
SALEM

18

- V. Later on, in pursuance of the said application for EC, the Terms of Reference was published by MoEF on its website in April 2012. However, no further action was taken by MoEF for grant of EC for want of credible action against Answering Respondent for carrying on mining operations without EC during the period started from August 2006, when the renewal of mining lease fell due. Despite being categorical findings of Jharkhand High Court in the matter of in the matter of Hindustan Copper Vs Union of India W.P. No, 2364 /2014, wherein vide orders dated 28.11.14 that grant of EC is independent of credible action for alleged violations of environmental law norms and the same can be granted on its own merits. Further On the directions of MoEF, TNPCB also stopped grant of Air Consent and Water consent after 2013.
- VI. Later on, the First Respondent had again taken up issue on the application for grant of EC filed by the Appellant treating it as a violation case as per MOEF & CC Notification S.O.804 (C) dated 14.03.2017. Answering Respondent applied for EC under violation case. The Application filed by Answering Respondent on 16.03.2018 was acknowledged by MOEF on 19.03.2018 vide IA/TN/MIN/73566/2018. Based on the above proposal, in the EAC Meeting held on 31.12.2020, TOR was granted to Answering Respondent.
- VII. On 31st December, 2020 an Expert Appraisal Committee for grant of Term of Reference, recommended for TDR at the meeting itself. Finally, a term of reference has been issued by Respondent No.1 vide its letter dated 5th February, 2021 (Exhibit-R13) wherein MOEF issued letter granting TOR directing Answering Respondent amongst others to produce:
- a. valid mining lease documents regarding subsistence/ extension of lease up to March, 2030.

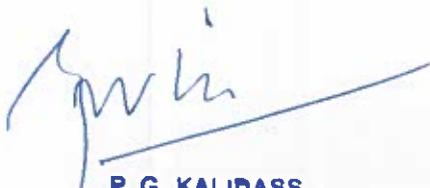

P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
C/o. DALMIA MAGNESITE CORPORATION,
SALEM-636 012.

- b. Affidavit to comply with the directions of the Supreme Court as per judgment in Common Cause (W.P No 114 /20014 order dated 02. 08 2017)

VIII. The Respondent had already submitted Affidavit dated 21.10.2019 and 20.11.2019 to the effect that it shall comply with directions of Supreme Court as per the judgment in Common Cause matter, as per law. Answering Respondent had completed other requirements of TOR for issuance of EC, the matter is now pending before the Expert Appraisal Committee of Respondent No. 1 for grant of EC. The Answering Respondent had also requested Respondent No. 1 to grant EC subject to the issuance of valid mining lease documents which mining lease in the honest opinion of the Respondent has got extended up to 31st March 2030.

IX. In the intervening period though grant of EC was delayed by Respondent No. 1, Answering Respondent continued mining operations in the wake of above-mentioned interim orders dated 17th August 2006 passed by Hon'ble Madras High Court in W.P. No. 25518/2006, under the provisions of deemed extension.

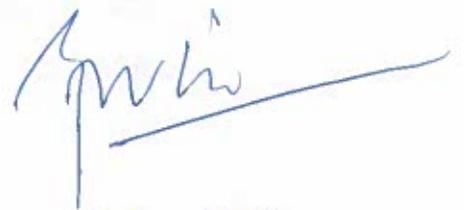
X. Further, upon Dunite being declared as minor mineral, the Fourth Respondent and the authorities concerned, refused to issue transports permits to Answering Respondent allegedly on the ground that Answering Respondent did not have any environmental clearance. The Answering Respondent, in light of the facts mentioned above, preferred a Writ Petition No. 29275 of 2016 before the Hon'ble Madras High Court, seeking appropriate direction to issue transport permits. The Hon'ble Madras High Court *vide* orders dated 21st October, 2016, directed the first Respondent and other authorities concerned to issue the transport permits till the disposal of the Writ Petition. The same is extracted herein below


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
BALM BHARAT SUGAR AND INDUSTRIES LTD.,
Co. DALKH MAGNESITE CORPORATION,
SALEM-636 012

20

“ 5. Though the Learned Additional Advocate General would submit that the lease, whether such permits can be granted without obtaining the Environment Clearance Certificate, has to be considered in the main Writ Petition and the current problem has arisen only on account of the fact that minerals in question have been declared to be minor minerals. Therefore, till the matter is heard and decided, the Respondent should not refuse to issue transport permits.

- XI. The Respondents in W.P.No.29275 of 2016 concerned challenged the said order dated 21 October, 2016, before this Hon'ble Court vide W.A.No.72 of 2017. The said W.A.No.72 of 2017 was dismissed by this Hon'ble court *vide* order dated January 27, 2017.
- XII. The W.P.No.29275 of 2016 was disposed off by the Hon'ble High Court of Madras *vide* order dated 11th Jan. 2022 where the Hon'ble Court observed, amongst others, that since the mining operations have been suspended by the Answering Respondent herein and grant of EC is in advance stage therefore Respondent can approach Respondent No. 1 & 2, along with environment clearance, to consider the matter of renewal of its mining lease. This writ was later on disposed of by order dated 11th Feb 2022 giving direction to Answering Respondent to approach State Mining Dept. with grant of EC from MOEF.
- XIII. The Answering Respondent after having duly applied for renewal of mining lease and EC much before the due date of renewal was under a bonafide impression that EC is required at the time of renewal of mining lease and during the period of deemed extension of mining lease under *Rule 24(A) (6) of the Mineral Concession Rules, 1960* the mining operations can be carried out without EC, with the due consents of State Pollution Control Board.
- XIV. The Hon'ble Supreme Court has observed at paragraphs 111 and 112 of orders dated 2nd August 2017 in the matter of *Common Cause v Union of India*, (2017) 9 SCC 499, as below:



P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(Co. DALMIA MAGNESITE CORPORATION)
SALEM-636 012.

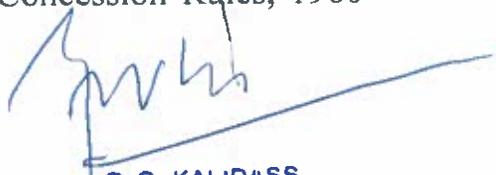
22
 did not take any action on the EC application, for the want of credible action for alleged violation of mining without EC despite being categorical findings of Jharkhand High Court in the matter of *Hindustan Copper Vs Union of India (supra)* wherein it was observed by the said Hon'ble High Court that processing of EC application and credible action for alleged violation are independent of each other and processing of EC application cannot be withheld for want of credible action.

XVII. Answering Respondent has been making timely compliances with all the requirements/directions of Respondents No. 1 to 5 in respect of renewal of mining lease as well as grant of EC but the said Respondents have not been taking timely action as result whereof Answering Respondent is being wrongly rendered as non-compliant

XVIII. In view of the foregoing, it is clear that Answering Respondent cannot be held to be carrying on mining, without any "lawful authority" for want of environmental clearance during the period *deemed extension* whether such *deemed extension* was under the provisions of Rule 24 – (A) (6) of MCR, 1960 for the period after 20th August, 2006 or under Section 8A of Amendment Act, 2015 for the period after 12th January, 2015 when the Amendment Act, 2015 came into force, more so when application for grant of EC was filed in February, 2006, nearly 6 (six) months prior to the second renewal of mining lease falling due on 19th August, 2006.

XIX. It is most respectfully submitted that as such the Answering Respondent cannot be held liable for violation of Environment Protection, Air (Prevention and Control of Pollution) Act 1981, Water (Prevention and Control of Pollution) Act 1874.

XX. It is most respectfully submitted that though the issue of *deemed extension* under Rule 24 –A (6) of Mineral Concession Rules, 1960


 P. G. KALIDASS,
 AGENT & MINES MANAGER,
 CHETTICHAVADI JAGHIR MINES,
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 (C/o. DALMIA MAGNESITE CORPORATION)
 SALEM-636 012

has been discussed in Common Cause Judgment but, there is no specific discussion as to how a mining project which were obligated to obtain EC for the first time, at the time of renewal of their mining lease after 2004 and who has also applied for EC well before due date of renewal of mining lease, and who during the period of deemed extension operated under consent to operate given by State Pollution Control Board would be dealt with when no time limit for filing of such application was in place in EIA 2006. If it would have been discussed specifically then some relaxation in either the nature of *deemed extension* of the existing pollution control consents would have been given till the EC under EIA notifications is granted or refused or if the prior EC would have been the pre requisite for operations during *deemed extension* as well, then date of demand of compensation (as envisaged in Common Cause Judgment) reckoning with scheduled date of renewal for such mining projects would have been prescribed or it would have reckoned with the date of refusal of grant of EC.

XXI. In the matter of *Tamil Nadu Small Mine Owners Federation Vs Secretary MoEF, New Delhi*, Original Application No. 136 of 2017 (SZ) which was disposed vide orders dated 30th June 2020, by this Hon'ble Tribunal in the context of MoEF Notification dated 15th Januray,2016 requiring all mining projects of less than 5 hectares to obtain EC. Later on, MoEF *vide* its letter dated 3rd April, 2017 clarified that no such mining lease shall operate without Environmental Clearance and shall all such mines which were in operation before 15th January, 2016 are required to stop their mining activity and apply to MoEF & CC/SEIAA/DEIAA for seeking EC. The proponent with such mining lease who continues to operate without obtaining EC after 15th January, 2016 shall be considered as violation cases and the same shall be dealt in accordance with the violation policy under EIA Notification, 2006. The implication this clarification dated 3rd April, 2017 was one of the issues in the matter.


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
C/o. DALMIA MAGNESITE CORPORATION
SALEM-636 012

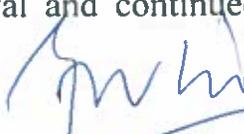
SALEM-636 012
DALMIA MAGNESITE CORPORATION
CHETTICHAVADI JAGHIR MINES
AGENT & MINES MANAGER
P. G. KALIDASS

24 XXII. This Hon'ble Tribunal, in the said matter, after detailed deliberations of the facts and EIA notifications and circulars observed that the applications which are pending as on 31st March, 2016, for Environment Clearance have to be treated as normal applications and not violation applications and the authorities are directed to dispose of those applications in accordance with law.

XXIII. It is most respectfully submitted that that at this belated stage where application for grant lease renewal of mining lease and grant of environmental clearance is pending with Respondents for a period of more than a decade, therefore

- a. neither Respondents No. 1 & 2 can refuse the fact of deemed extension of mining lease for want of environmental clearance nor Respondent No. 4 or MOEF can refuse grant of environmental clearance for want of subsisting mining lease / valid mining lease documents. Therefore, Appellant is entitled for deemed extension of its mining lease in terms of Sec 8A (5) of MMDR Act and for grant of environmental clearance.
- b. The Answering Respondent cannot be said to be conducting any mining in the absence of valid mining lease or without any Environmental Clearance. The Answering Respondent cannot be fastened with any liability due the considerable delay in disposal of application for renewal of its mining lease and grant of environmental clearance by the Respondents. It would be pertinent to mention here that Respondent has lawfully conducted its mining operations under the provisions of deemed extension and had paid all mining royalties and other payable statutory dues.

In light of the principle laid down in the above matter, the present case of Answering Respondent who required EC at the time of renewal of its mining lease on 19th August, 2006 applied for grant of EC, on 9th February, 2006, i.e. 6 (six) months before the due date of renewal and continued mining


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
C/o. DALMIA MAGNESITE CORPORATION,
SALEM-636 012

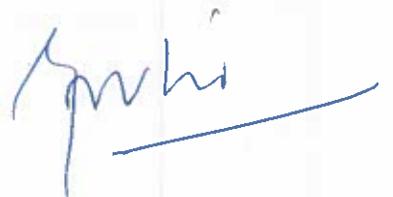
operations under the provisions of deemed extension, under interim reliefs granted by the Hon'ble High Court, cannot be held to be in violation of the EIA notifications.

C. Withdrawal of water without obtaining NOC from Central Ground Water Authority

The Answering Respondent submits that they are drawing water from a bore well situated near the mines office and that they are consuming only 40 KLD towards its captive consumption and are paying Water cess to TNPCB at Rs. 10,300/- per year. Presently since the man power is very less, the daily consumption of Answering Respondent is very minimal. For grant of NOC for drawl of Ground Water for Domestic purposes from bore well situated in the Mines in S.F.No-6 Chettichavadi village Salem West Taluk, Suramangalam firka, Salem District, of Answering Respondent, it had submitted an application to the State Ground Water Authority for Ground Water Clearance on 22.09.2021 and obtained NOC from State Water Resource Department, PWD, Government of Tamil Nadu vide Lr.no OT8/AG-2/176/NOC/Salem/2021 dt 17.11.2021. Further, it is also stated that NOC is not required for with drawl of water less than 100 KLD as per public notice of CGWA dated 18.08.2021.

D. That Other Respondent authorities have not taken action against Answering Respondent for mining without EC.

I. In this regard it is submitted that and as mentioned by Applicant also 4th Respondent issued a notice dated 04.05.2020 to Answering Respondent as to why penal action should not be taken against them under Section 15 of Environment Protection Act, 1986 for the alleged contravention of the Said Act. An appropriate and a very detailed reply dated 06.07.2020 has been sent by the Answering Respondent to the 4th Respondent clearly explaining that the Answering Respondent has not violated or contravened any law in force.



P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION),
SALEM-636 012

P. G. KALIDASS
 AGENT & MINES MANAGER
 CHETTICHAVADI JAGHIR MINES
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.
 (C/o. DALMIA MAGNESITE CORPORATION)
 SALEM-636 012

- II. Further Respondent No. 3 has issued (a) Demand Memo dated 18th June, 2019, (Exhibit-R9) *vide* ROC.No.45/2018/D-1/Mines-A to pay compensation of INR 11.44 Crores (approx.) for mining of Dunite without EC for the period 2001-02 to 2018-19 and (b) Demand Memo dated 8th July, 2020, (Exhibit-R12) *vide* ROC.No.45/2018/M-9/Mines-A of the District Collector, Salem-636001 to pay compensation of INR 7.24 Crores (approx.) for mining of Magnesite without EC for the period 2000-01 to 2018-19. The said demand memos were issued without any show cause or opportunity of hearing. The aforesaid proceedings are being contested by Answering Respondent and are pending final disposal, before High Court of Madras in W. A. No. 834 -835 /2020, as of now.

In view of the above it is clear that other Respondents had already taken credible action against Respondent on the ground of carrying on mining without EC.

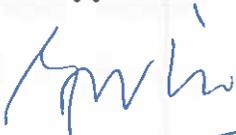
Para-wise Remarks

9. With regard to the allegations contained in paragraphs 1 to 15 of the application, particularly in paragraphs 13 to 15 contained therein, it is submitted that Answering Respondent is presently not required to obtain EC. The fact remains that the Applicant did not raise the averments/allegations at the public hearing and is now very conveniently claiming that the public speech was not recorded and is now seeking to raise several false and frivolous allegations. The other Respondents are seized of the alleged violation and they had already taken actions and it is strictly denied that Answering Respondent has erred as alleged.
10. With regard to paragraphs 18 to 21, of the application are concerned, the Answering Respondent denies and reiterates it averments made hereinabove, regarding the provisions relating to Rule 24 (A) (6) of Mineral Concession Rules, 1960 and also paragraphs 111 and 112 containing observations of the decisions of the Hon'ble Supreme Court in Common Cause (W.P. No. 114 of 2014).



P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
C/o. DALMIA MAGNESITE CORPORATION
SALEM-636 012

11. With regard to allegations in Para 23, of the Petition it is submitted that *the letter dated 13.3.20 only states that there is no provision for issuance of Letter of Intent and it does not say anywhere that mining lease has not got extended till March 2030. As a matter of fact, in view of the express provision of Sec 8A (5) of MMDR Act the mining lease of Respondent has got extended up to March 2030. Answering Respondent was compelled to seek the letter of intent only since the other Respondents did not recognize the admitted deemed extension grantable under Sec 8A (5) of MMDR Act. The Applicant herein fails to appreciate that auction of mineral is available only in respect of the mineral bearing land which is not the subject of any existing mining lease or which is not under reservation U/s 17 of the MMDR Act.*
12. With regard to para 24 of the petition, Answering Respondent submits that they are drawing water from a bore well situated near the mines office and that they are consuming only 40 KLD towards its captive consumption and are paying Water cess to TNPCB at Rs. 10,300/- per year. Presently since the man power is very less, the daily consumption of Answering Respondent is very minimal. For grant of NOC for drawl of Ground Water for Domestic purposes from bore well situated in the Mines in S.F.No-6 Chettichavadi village Salem West Taluk, Suramangalam firka, Salem District, of Answering Respondent, it had submitted an application to the State Ground Water Authority for Ground Water Clearance on 22.09.2021 and obtained NOC from State Water Resource Department, PWD, Government of Tamil Nadu vide Lr.no OT8/AG-2/176/NOC/Salem/2021 dt 17.11.2021 (EXHIBIT R16)
13. With regard to the averment in para 25 of the petition it is submitted that the *merits* of EIA report is the subject of evaluation now by the 1st Respondent and the same is not open to challenge or discussion by the Applicant before this Hon'ble Tribunal.


 P. G. KALIDASS,
 AGENT & MINES MANAGER,
 CHETTICHAVADI JAGHIR MINES,
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 'Gro. DALMIA MAGNESITE CORPORATION'
 SALEM-636 012

14. As on Dec-2020 Answering Respondent has planted 62674 Plants. In addition to the Afforestation area of 19.23 Ha, it covers avenue plantation also along sides of the haulage and approach roads, lease boundaries, office premises, workshop premises, Mines Magazine area etc.,
15. Inventory of plantation done in the core zone is given in the draft EIA report. Green belt area in the Afforestation plan of IBM Approved Mining Plan is shown as part of EIA report.
16. With regard to "Specific terms of reference" at page 11 item No. (iii) Of the petition, it is submitted that the damage assessment and the remediation plan along with the budgetary allocation is explained in detail in Chapter – 13 of the EIA report.
17. With regard to **Item No. (VIII)** it is submitted that during the public hearing and in response to his query, the Applicant was asked to read MOEF notification dated 29.08.2017. As per the notification one season base line study can be conducted at any time even before the date of issue of TOR. The base line study of this report was conducted from 1.12.2020 to 28.02.2021, which is in accordance with the MOEF notification.
18. **Item No: XIV:** Mining plan for the current 5 years 2021-22 to 2025-26 was approved by RCOM, IBM Chennai region vide letter no: TN/SLM/MG & DU/ ROMP-1646-MDS dated 30.03.2021, for mining both Magnesite and Dunite minerals.
19. **Item No: XVI:** Since Dunite is associated with Magnesite, Dunite is treated as major mineral. Draft District Survey Report is not required for Major Mineral. Further Dunite is declared as Minor Mineral by Ministry of Mines, Govt. of India in the Gazette of India with reference no S.O.423 (E) dated 10th Feb 2015, after the MM(DR) Amendment Act 2015 Gazetted on 12th Jan 2015 extending lease of the Answering Respondent for Magnesite and Dunite up to 31.03.2030 and it is a subsisting lease for Mining Magnesite and Dunite Mineral. The subsisting lease of the Answering Respondent


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION)
SALEM-636 012

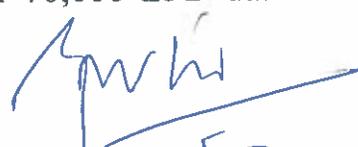
being for Mining Magnesite and Dunite Mineral it has submitted DSR signed by District Collector, Salem in our Environment Management Planning Report.

20. **Item No: XVIII:** On 17.08.2006 the Hon'ble Madras High Court has issued an interim injunction in W.P.25518/2006 and M.P.No.1 of 2006 in view of Rule 24(A) (6) of MCR 1960 for deemed extension for a further period till the State Government passes orders there on and the said writ petition is pending.
21. On 21.10.2016, the Hon'ble Madras High Court has passed an interim order with a direction to the respondents concerned to continue to issue transport permits to remove the excavated mineral as was done hither to until further orders. Writ Petition W.P.No.29275 of 2016 was, thereafter, finally disposed of by the Hon'ble High Court of Madras *vide* order dated 11th Jan. 2022 where the Hon'ble Court observed, amongst others, that since the mining operations have been suspended by the Answering Respondent herein and grant of EC is in advance stage therefore Respondent can approach Respondent No. 1 & 2, along with environment clearance, to consider the matter of renewal of its mining lease.
22. Further as per Section 8A (5) of the Mines and Minerals (Development and Regulation) Amendment Act 2015 the lease of Answering Respondent has been extended up to a period ending 31.03.2030 and it is not a case of lease renewal.
23. With regard to the letter of the Director Department of Geology and Mining dated 13.03.2020, it is submitted that the same was returned by the Second Respondent as not provided for and therefore, unnecessary. The Applicant by making such an allegation, is only trying to mislead this Hon'ble Tribunal. With regard to the Standard Terms of Reference (TOR) at page 12 of the petition, it is submitted as below:


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION)
SALEM-637 012

30

24. **Item no-2:**As per letter issued by the Principal Secretary to Government Industries Department Chennai letter no MS No 191/ MMA/2011 dated 29.12.2011, the change of name of M/s. Dalmia Cements (Bharat) Ltd into Ms. Dalmia Bharat Sugar and Industries Ltd has been taken on record by the Government.
25. **20. Item No-7:**the Answering Respondent has not made Environment Policy earlier, but it strictly follows and implements all the Environment related Laws and reports is sent to the Board of Directors Quarterly. However, for presenting to MOEF, the Corporate Environment Policy is prepared and submitted in the final EIA & EMP Report (EXHIBIT-R17).
26. **21. Item No-18:** Detailed biological study has been done by National Accreditation Board for Education & Training (NABET) Accredited environment consultant. Proof of study is given in the EIA report where qualitative assessment of flora and fauna around 10 kms and qualitative and quantitative types of species, number and growth rate are detailed in the EIA report. Inventory of Plantation is done as discussed above under Paragraph 6 above herein . Description of Flora & Fauna around Chettichavadi Jaghir Mines for the zone area of 10 kms all around the periphery of the core zone is issued by TN Forest Department vide C No-598/2021 dt 24.09.2021.(EXHIBIT-R18)
27. **22. Item No-22:** Permanent meteorological data station is available within 5 kms from study area which is more than accurate than primary study data in limited period. Therefore, the Answering Respondent has taken more reliable data for impact assessment. Mineralogical composition of PM₁₀ is dust containing Silicates of Dunite rock which is (Fe, Mg)₂ SiO₃. There is no free silica observed under thin section studies.
28. **23. Item No-25:** NOC is not required for with drawl of water less than 100 KLD as per public notice of CGWA dated 18.08.2021. In case of State Ground Water Authority, an application was made for grant of Ground Water Clearance on 22.09.2021 and obtained NOC for 70,000 LPD dated


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
C/o. DALMIA MAGNESITE CORPORATION,
SALEM-636 012

17.11.2021. The damage cost for drawl of ground water without EC is calculated and enclosed in EIA and EMP report.

29. **24. Item No-42:** Disaster Management Plan is given in EIA report and prepared as per TOR and MOEF guidelines.

VOLUME-I CHAPTER-12:

30. **25. SL.NO.10:** Mr. Mohan Kumar was replaced by Ms. Bidisha Roy and the same was intimated to National Accreditation Board for Education & Training (NABET) in time. There were 3 (EB) Ecology and Bio Diversity experts, out of whom one Mr. Devanathan left the Company. The remaining two EB experts are still working in the Company. But both Mr. Mohan kumar and Mr. D. Devanathan were working in the project before leaving the Company.
31. **26.** With regard to paragraphs 26 of the petition, it is submitted that the National Accreditation Board for Education & Training (NABET) approved Ms. Aadhi Boomi Mining and Enviro Tech Pvt Ltd Salem, an approved and accredited as "A" category by NABET. The statement given by the Applicant is totally wrong.
32. **27.** With regard to paragraph 27 of the petition it is submitted that the EIA report is prepared by NABET accredited experts only. The consultant has sufficient number of experts. Hence the statement that EIA report is prepared without NABET accredited experts is totally wrong. NABET accreditation is given only based on adequate availability of experts. NABET accreditation certificate is being filed.
33. With regard to paragraph 28 of the petition, it is denied that Answering Respondent is guilty of having committed any offence under Sections 15 and 16 of Environment Protection Act 1986 or any of the Provisions of law and they have made all efforts to obtain EC as explained earlier.



P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
C/o. DALMIA MAGNESITE CORPORATION,
SALEM-636 012

- 32
- i) Application for EC was submitted through Secretary Industries Department, Chennai on 09.02.2006 and obtained acknowledgment dated 13.02.2006.
 - ii) Direct application for EC was submitted to MoEF New Delhi on 17.08.2010.
 - iii) Revised application in Form I based on EIA notification 2006 was submitted to MOEF New Delhi on 12.10.2011.
 - iv) Presented Mines case before Expert Appraisal Committee on 17th Apr 2012 at New Delhi.
 - v) TOR was published by EAC in MOEF website on 24.08.2012. However, the mines case was declared as violation case due to 4 ½ years delay in submission of application and the delay was caused by the State Government.
 - vi) Application for EC was made to MOEF, New Delhi based on MOEF Notification dated 14.03.2017 to consider under violation case. Again application was submitted on 16.03.2018 as per EIA notification dated 14.03.2018 and obtained acknowledgment from MOEF, New Delhi on 19.03.2018 vide proposal no: IA/TN/MIN/13566/2018.
 - vii) Finally, TOR was granted in the EAC meeting held on 31.12.2020 to carry out one season study and to prepare EIA and EMP report.
 - viii) Environment Management Plan was submitted on 29th November 2021.
 - ix) Expert Appraisal Committee of MOEF in its meeting held on 15th December 2021, considered Environment Management Plan on 15th Dec 2021, recommendation of Expert Appraisal Committee of MOEF, awaited.

34. Thus the chronology of events shows that Answering Respondent has not committed any offence and exercised all due diligence to prevent commission of the alleged offence under Sec 15 and 16 of Environment Protection Act 1986.

35. The Applicant, is un-qualified and claims to be an activist. He has unnecessarily raised unwarranted issues with the sole intention of harassing the Answering Respondent and has acted with vested interests. It appears that his attempt is not bonafide but only to cause untold agony and disturbing the regular precious work of the Answering Respondent. Upon enquiries made, it appears that the NGO of the Applicant is not a genuine


 P. G. KALIDASS,
 AGENT & MINES MANAGER,
 CHETTICHAVADI JAGHIR MINES,
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 c/o DALMIA MAGNESITE CORPORATION
 SALEM-636 012

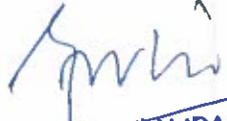
CHETTICHAVADI JAGHIR MINES
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.
 SALEM-636 012

and bonafide organisation. The Answering Respondent very much doubts that the Applicant or anyone else genuinely acts in the interest of the Environment as claimed and the Applicant is called upon to establish the bonafide of the Petition or the NGO. He claims to represent before he is allowed to pursue the Application any further.

36. It is submitted that although this Hon'ble Tribunal has jurisdiction and authority to appoint a committee to go into the manner in which the mining activities are carried on by Answering Respondent and the compliances with the statutory requirements with regard to prevention and control of pollution under various statutes considering the vague and factually false and incorrect allegations which have been made and the Statutory Respondents have been, from time to time exercising their powers, the Applicant could neither be entitled nor justified in approaching this Hon'ble Tribunal seeking any relief either interlocutory or main reliefs. The Application is therefore liable to be dismissed as false and frivolous.

It is therefore prayed that this Hon'ble Tribunal maybe pleased to dismiss the Application with costs and pass such further or other appropriate orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thereby render justice.

Solemnly affirmed before me on this
the 1st day of February, 2022 and
having signed his name in my presence


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
DALMIA MAGNESITE CORPORATION,
CHENNAI-600 012

BEFORE ME



(V. Kamalakkannan)
MS-1624/2018
NO. 148, 1st Line Beach,
Chennai-1

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)

CHENNAI

Original Application No. 213 of 2021 (SZ)

S.Sakthivel

Environmental Protection and Anti-Pollution Group

S/o P.K.Subramanyam

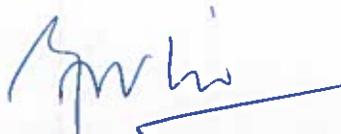
Alagu Vinayakar Kovil Street,

Fairland, Salem 636016

...Applicant

Vs

1. The Secretary to Government of India
Ministry of Environment and Forest and Climate Change
Indira Paryavaran Bhawan Jorbagh Road,
New Delhi 110003
2. The Director,
Department of Geology and Mines,
Industrial Estate, Guindy, Chennai 600032
3. The District Collector,
Collectorate, Salem 636 001
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Siva Tower, 2nd Floor, Salem 636004
5. The Member Secretary,
Central Ground Water Authority
Jam Nagar House,
18/11 Man Singh Road, New Delhi 110011
6. The Managing Director,
Dalmia Bharat Sugar and Industries Ltd.
Chettichavadi, Jagir Magnesite and Dunite Mines,


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTIGHAVADI JAGHIR MINES
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION)
SALEM-636 012

Chettichavadi Village, Salem West Tk.

Salem 636 012

...Respondents

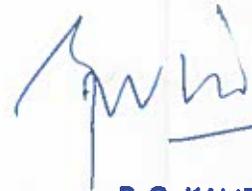
REPLY TO THE STATUS REPORT FILED BY JOINT COMMITTEE ON**23.01.2022**

1. The Respondent has filed a detailed reply to the Application where it has set out in detail the complete factual background and details as to the mining operations. The contents of the Reply Statement filed by Respondent No.6 to the Application, may be read as part and parcel of the present reply to status report filed by the Joint Committee.
2. The Respondent No.6 is setting forth its responses to the specific observations made by the Joint Committee, based on the site inspection conducted on 29.11.2021.

Direction of This Hon'ble Tribunal to Committee	Observations of Committee	Response of Answering Respondent to Observations of Committee
Whether 6 th Respondent is having all necessary permissions/clearance from the authorities as required under environmental laws ?	The 6 th Respondent is not having all necessary permissions/clearance from the authorities as required under environmental laws	Answering Respondent had necessary permissions/clearance from the authorities as required under environmental laws, save and except environmental clearance. The grant of the same is pending with MOEF since 9 th Feb 2006. Consent under the Air and Water Acts was refused to the Respondent post 2013 for want of environmental clearance. The Respondent is in the process of complying with requirements of TOR issued by MOEF , for grant of environmental clearance
Whether 6 th Respondent is having all necessary permissions/clearance	The 6 th Respondent submitted that they have performed mining without prior	Answering Respondent had continued mining during the period of <i>deemed renewal</i> of its mining lease, having timely

P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTIGHAVADI JAGHIR MINES
DALMIA BHARAT SUGAR AND INDUSTRIES LTD
(Co. DALMIA MAGNESITE CORPORATION)
SAI FM-636-012

<p>from the authorities as required under environmental laws? If so since when they are doing so?</p>	<p>EC under EIA Notification 2006 and accordingly they have submitted the proposal for Terms of Reference under Violation case as per MOEF CC Notification</p> <p>As per TOR they completed public hearing on 3rd Sep 2021 in presence of District Collector and submitted EIA and EMP report. They continued mining till 2017</p>	<p>filed applications for renewal of mining lease as well as grant of Environmental Clearance. Environmental Clearance is required prior to the renewal of mining lease for mining operations on or after grant of renewal. However, it is not required for mining operations during the tenure of deemed extension, more so when the application for grant of Environmental Clearance has been kept pending since February, 2006.</p> <p>The MOEF is considering the grant of EC to the Respondent under violation category. However, Answering Respondent is participating in the said proceedings without prejudice to its contentions and remedies qua allegation of mining without EC / without air consent and water consent,.</p> <p>Answering Respondent had carried out mining operations till 27th Jan 2020 and thereafter it has opted for temporary suspension of mining operations to await grant of EC.</p>
--	---	--



**P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMA BHARAT SUGAR AND INDUSTRIES LTD.,
'C/o. DALMA MAGNESITE CORPORATION'
SALEM-636 012'**

P. G. KALIDASS
AGENT & MINES MANAGER
CHETTICHAVADI JAGHIR MINES
DALMA BHARAT SUGAR AND INDUSTRIES LTD.
'C/o. DALMA MAGNESITE CORPORATION'

<p>What is the quantity of mineral extracted by doing such illegal mining, what is the nature of action taken by authorities taken, when such violations are brought to their notice?</p>	<p>As part of considering the application submitted by the 6th Respondent for getting TOR under violation category, MOEF has issued a letter dated 25.11.2020 to State Govt. to take action against the Respondent U.s 19 of EP Act and to submit report.</p> <p>During the visit Joint Committee noticed that there are 13 mining pits and measurements were also taken, accordingly calculation for finding out the quantity of mineral extracted without EC is in progress</p>	<p>The Fourth Respondent had already issued notices dated 5th Feb 2014 and 20th May 2020 U/s 19 of EP Act, which are being contested by Answering Respondent and the said notices are yet to be adjudicated.</p> <p>Answering Respondent has also received Demand Memo dated 18th June, 2019, <i>vide</i> ROC.No.45/2018/D-1/Mines-A to pay compensation of INR 11.44 Crores (approx.) for mining of Dunite without EC for the period 2001-02 to 2018-19 and (b) Demand Memo dated 8th July, 2020, <i>vide</i> ROC.No.45/2018/M-1/Mines-A from the District Collector, Salem-636001, the 3rd Respondent herein, to pay compensation of INR 7.24 Crores (approx.) for mining of Magnesite without EC for the period 2000-01 to 2018-19. The said demands are the subject matter of challenge in W.A No. 834 & 835 of 2020, pending before the Hon'ble High Court of Madras.</p> <p>The observations that mining activity is being still carried out, is contrary to the foregoing findings according to which mining is stopped from 2017.</p> <p>Answering Respondent reserves its rights to file reply to the findings on the quantity of minerals extracted without EC.</p>
<p>Whether any damage caused to the</p>	<p>TOR has been issued with direction to</p>	<p>Respondent had already submitted its remediation plan</p>

<p>environment on account of such illegal mining, if so, assess the damage caused to the environment including environment compensation to be recovered from them, apart from suggesting recommendations for restoration of damage caused to the environment?</p>	<p>assess ecological damage with respect to air, water, land etc. by a lab notified under EP Act or NABL and to submit a remediation plan</p> <p>TNPCB has been directed to collect water and soil samples for analysis and submission of Report.</p> <p>Analysis Report is awaited</p>	<p>as part of it Environment Management Plan submitted to MOEF on 29th Nov 2020. The Answering Respondent, on the basis of ecological damage assessment by the lab as directed has submitted its remediation plan with budget of INR 6.46 Crores. In any event, demand has already been made, vide, Demand Memo dated 18th June, 2019, vide ROC.No.45/2018/D-1/Mines-A to pay compensation of INR 11.44 Crores (approx.) for mining of Dunite without EC for the period 2001-02 to 2018-19 and (b) Demand Memo dated 8th July, 2020, vide ROC.No.45/2018/M-1/Mines-A from the District Collector, Salem-636001, the 3rd Respondent herein, to pay compensation of INR 7.24 Crores (approx.) for mining of Magnesite without EC for the period 2000-01 to 2018-19. The said demands are subject matter before the Hon'ble High Court of Madras, therefore, Answering Respondent cannot be subjected to any further assessment of damages.</p> <p>Answering Respondent reserves its rights to file reply to the finding of the analysis report</p>
<p>Whether Respondent has obtained necessary permissions for</p>	<p>6th They have obtained permission from Water Resources</p>	<p style="text-align: center;">  P. G. KALIDASS, AGENT & MINES MANAGER, CHETTICHAVADI JAGHIR MINES, DALMIA BHARAT SUGAR AND INDUSTRIES LTD., Co. DALMIA-MAGNESITE CORPORATION, SALEM-636 012 </p>

39

<p>extracting ground water for industrial purposes drawing , and if not , what is the action taken including the imposition of compensation for unauthorised drawl of ground water?</p>	<p>Dept. for extracting ground water</p>	
--	--	--

It is prayed that this Hon'ble Tribunal may be pleased to take on record the above responses of the Respondent and dismiss the Application, with costs and pass such further or other appropriate orders as this Hon'ble Tribunal may be deemed fit and proper in the facts and circumstances of the case and thereby render justice.

Solemnly affirmed before me on this
the 1st day of February, 2022 and
having signed his name in my presence


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
'C/o. DALMIA MAGNESITE CORPORATION',
SALEM-636 012.

BEFORE ME


(V. Kamala Kannan)
MS. 1624/2018
No. 148, 1st Floor, Black,
Chennai-4.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)

CHENNAI

Original Application No. 213 of 2021 (SZ)

S.Sakthivel

Environmental Protection and Anti-Pollution Group

S/o P.K.Subramanyam

Alagu Vinayakar Kovil Street,

Fairland, Salem 636016

...Applicant

Vs

1. The Secretary to Government of India
Ministry of Environment and Forest and Climate Change
Indira Paryavaran Bhawan Jorbagh Road,
New Delhi 110003
2. The Director,
Department of Geology and Mines,
Industrial Estate, Guindy, Chennai 600032
3. The District Collector,
Collectorate, Salem 636 001
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Siva Tower, 2nd Floor, Salem 636004
5. The Member Secretary,
Central Ground Water Authority
Jam Nagar House,
18/11 Man Singh Road, New Delhi 110011



P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION),
SALEM-636 012

SALEM-636 012
DALMIA MAGNESITE CORPORATION
CHETTICHAVADI JAGHIR MINES
AGENT & MINES MANAGER
P. G. KALIDASS

- 41
6. The Managing Director,
Dalmia Bharat Sugar and Industries Ltd.
Chettichavadi, Jagir Magnesite and Dunite Mines,
Chettichavadi Village, Salem West Tk.
Salem 636 012

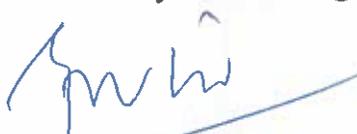
...Respondents

REPLY TO THE STATUS REPORT FILED BY SECOND RESPONDENT

1. The Respondent has filed a detailed reply to the Application where it has set out in detail the complete factual background and details as to the mining operations. The contents of the Reply Statement filed by Answering Respondent Answering Respondent to the Application, may be read as part and parcel of the present reply to the report filed by the Second Respondent.
2. The contents of **para 1 to 6** of this report are related to the facts leading to the filing of this Status Report hence, merit no reply.
3. In respect of the averments regarding area of mining lease as contained in **paras 7 to 12** of the report, it is submitted that mining lease area during different tenure had been as under:

	Lease Period	Lease Area /Acres
1	20 th Aug 1966 to 27 th July 1979	1386.36
2	28 th July 1979 to 19 th Aug.1986	1419
3	20 th Aug 1986 to till date	1110

4. In respect of the averments regarding area of mining lease, it is submitted that requirement of EC for new mining projects was introduced for the first time in the year 1994. All other existing mining projects were under obligation to obtain EC only in case of increase in production and /or upon renewal of mining lease. It is further submitted that it has been rightly mentioned by Respondent No. 2 that the application for grant of EC filed by Answering


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION)
SALEM-636 012.

Respondent on 9th February, 2006 is still pending for disposal with Ministry of Environment and Forests.

5. In respect of the averments regarding area of mining lease as contained in **para 13 of the report**, it is submitted that Respondent Answering Respondent conducted its mining operations under the provisions of deemed extension having filed its applications for renewal of its mining lease and for grant of EC, in a timely manner and both the grants were delayed by the concerned Respondents due to reasons not attributable to the Answering Respondent. The later developments of law under which the Answering Respondent is being held liable, may not be applicable to the Answering Respondent if the said applications had been disposed of by the Respondent authorities, on time i.e. in or around August 2006 when second renewal of its mining lease fell due. The application for renewal of mining lease is pending since 11th July 2005 and application for grant of EC is pending since Feb 2006. In the facts and circumstances of answering Respondent, reliance of judgement of Supreme Court dated 02-08-2017 ,in the matter of *Common Cause Vs Union of India* is misplaced,
6. In respect of the averments regarding area of mining lease as contained in **paras 14 to 19**, it is submitted that the demand memo issued to this Respondent on the alleged ground of illegal mining is being contested by this Respondent and legality of the said demand memos, is under consideration before the Hon'ble High Court of Madras.
7. The findings of the report as contained in respect of the averments regarding area of mining lease as contained in **paras 20 to 24, 28 and 30** are of interim nature, Answering Respondent reserves its rights to file its response to the said paras upon submission of final report by the Respondent No. 2.
8. The Second Respondent has not provided any basis for its findings contained in **para 25** of the report for assessment of restoration charges of INR1,11,46,124. Answering Respondent reserves its rights to file its response


P. G. KALIDASS,
 AGENT & MINES MANAGER,
 CHETTICHAVADI JAGHIR MINES,
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 (C/o. DALMIA MAGNESITE CORPORATION)

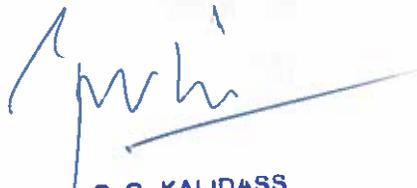
AGENT & MINES MANAGER,
 CHETTICHAVADI JAGHIR MINES,
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 (C/o. DALMIA MAGNESITE CORPORATION)

to the said paragraphs upon Respondent No. 2 furnishing basis /details of such assessment to Answering Respondent. In any event, demand has already been made, vide, Demand Memo dated 18th June, 2019, vide ROC.No.45/2018/D-1/Mines-A to pay compensation of INR 11.44 Crores (approx.) for mining of Dunite without EC for the period 2001-02 to 2018-19 and (b) Demand Memo dated 8th July, 2020, vide ROC.No.45/2018/M-1/Mines-A from the District Collector, Salem-636001, the 3rd Respondent herein, to pay compensation of INR 7.24 Crores (approx.) for mining of Magnesite without EC for the period 2000-01 to 2018-19. The said demands are subject matter before the Hon'ble High Court of Madras, therefore, Answering Respondent cannot be subjected to any further assessment of damages.

9. In respect of the averments made in **para 32**, it is submitted that application for grant of EC in respect of mining of Dunite and Magnesite is pending since 9th Feb 2006. Answering Respondent is not aware of contents of letter dated 5th Nov. 2014 as mentioned in the paragraph under reply and reserve its rights to respond to this para once the letter dated 5th Nov. 2014 is furnished to this Respondent.

10. The averments made in paras **26,27, 33 ,34 ,35,36** of the report are related to the EC Application of Answering Respondent being considered under Violation Category and credible action already taken/to be taken against answering Respondent on the alleged ground of mining without EC. In this regard it is submitted that in light of the detailed submissions made in the Reply Statement to the Application, the Answering Respondent cannot be held liable for conducting mining without grant of EC. The MOEF is considering the grant of EC to the Respondent under violation category. However, Answering Respondent is participating in the said proceedings without prejudice to its contentions and remedies qua allegation of mining without EC / without air consent and water consent, .

11. The proposal of criminal action U/s 200 of Cr. P. C. read with Sec 17 & 19 of Environment Protection Act in pursuance of show cause notice dated 4th


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
C/o. DALMIA MAGNESITE CORPORATION,
SALEM-636 012

May 2020 issued by Respondent No. 4, as contained in **para 36** of the Report, is pre mature because the said notice has yet not been adjudicated and as of no opportunity of hearing has not been granted to Answering Respondent.

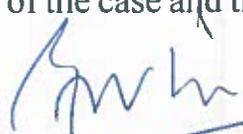
In any case, in the facts and circumstances of this matter, so such case is made out, The Answering Respondent reserves it all rights, remedies and contention to contest proposed criminal proceedings before appropriate forum.

12. Answering Respondent herein reserves all its rights, remedies and contentions to contest the demand memos issued Respondent No 2, notices dated 5th Feb 2014, and 20th May 2020 by Respondent No. 4 and other proceedings, if any initiated against Answering Respondent on the alleged ground of mining without EC.

13. The Writ Petition No. 29275 /2016 as mentioned hereinabove has already been disposed of by the Hon'ble Madras High Court vide order dated 11th January 2022, with direction to Answering Respondent to seek EC from the First Respondent.

It is prayed that this Hon'ble Tribunal may be pleased to take on record the above responses of the Respondent and dismiss the Application, with costs and pass such further or other appropriate orders as this Hon'ble Tribunal may be deemed fit and proper in the facts and circumstances of the case and thereby render justice.

Solemnly affirmed before me on this
the 1st day of February, 2022 and
having signed his name in my presence


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
DALMIA MAGNESITE CORPORATION
SALEM-636 012
BEFORE ME


U. Kamalabharani
MS. 1624/2018
No. 148, IInd line Beach,
Chennai-1

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)

CHENNAI

Original Application No. 213 of 2021 (SZ)

S. Sakthivel
Environmental Protection and Anti-Pollution Group
S/o P.K.Subramanyam
Alagu Vinayakar Kovil Street,
Fairland, Salem 636016

...Applicant

Vs

1. The Secretary to Government of India
Ministry of Environment and Forest and Climate Change
Indira Paryavaran Bhawan Jorbagh Road,
New Delhi 110003
2. The Director,
Department of Geology and Mines,
Industrial Estate, Guindy, Chennai 600032
3. The District Collector,
Collectorate, Salem 636 001
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Siva Tower, 2nd Floor, Salem 636004
5. The Member Secretary,
Central Ground Water Authority
Jam Nagar House,
18/11 Man Singh Road, New Delhi 110011
6. The Managing Director,
Dalmia Bharat Sugar and Industries Ltd.
Chettichavadi, Jagir Magnesite and Dunite Mines,
Chettichavadi Village, Salem West Tk.
Salem 636 012

...Respondents



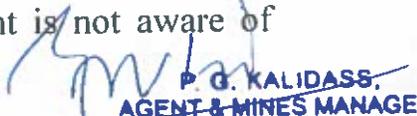
P. G. KALIDASS.
AGENT & MINES MANAGER.
CHETTICHAVADI JAGHIR MINES.
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
'C/o. DALMIA MAGNESITE CORPORATION'
SALEM-636 012.

AGENT & MINES MANAGER
CHETTICHAVADI JAGHIR MINES
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.
'C/o. DALMIA MAGNESITE CORPORATION'
SALEM-636 012

REPLY TO THE REPORT FILED BY RESPONDENT NO.4 DATED

23.12.2021

1. The Respondent has filed a detailed reply to the Application where it has set out in detail the complete factual background and details as to the mining operations. The contents of the Reply Statement filed by Answering Respondent to the Application, may be read as part and parcel of the present reply to the report filed by the Fourth Respondent.
2. The Fourth Respondent, has addressed the following queries in its report (a) Whether 6th Respondent is having all necessary permissions/clearance from the authorities as required under environmental laws? (b) Whether 6th Respondent is having all necessary permissions/clearance from the authorities as required under environmental laws? If so since when they are doing so?
3. Paragraph 1 of the Report states that Air Consent and Water Consent for Magnesite was issued to Answering Respondent and the same was renewed till 31st March 2013. In the later years it was refused only because the Respondent was not having Environmental Clearance for which this Respondent cannot be faulted. This Respondent would like to submit in this regard that, Air Consent and Water Consent has been refused for the reasons which are beyond control of Answering Respondent because Respondent No. 1 has not disposed of the application for grant of environment clearance. The said application has been pending since February, 2006.
4. The other Respondents seem to have collectively taken a peculiar position that renewal of mining lease is subject to grant of Environment Clearance and also that Environment Clearance cannot be granted unless mining lease is renewed and that consents under the Air and Water Acts cannot be given, in absence of Environment Clearance.
5. In respect of the averments made in paragraph 2, it is submitted that application for grant of EC in respect of mining of Dunite and Magnesite is pending since 9th February, 2006. Answering Respondent is not aware of


P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINE,
DALMIA BHARAT SUGAR AND INDUSTRIES LT
(C/o. DALMIA MAGNESITE CORPORAT
DALMIA-626 012

contents of letter dated 5th November 2014 as mentioned in the paragraph under reply and reserve its rights to respond to this para once the letter dated 5th Nov. 2014 is furnished to Respondent No.6.

6. In respect of the averments made in paragraph 3, 4 and 6 of the Report, the averments of Answering Respondent contained in its Reply Statement to the Application, is reaffirmed and reiterated.

7. In respect of the averments made in paragraph 5 with regard to initiation of criminal proceedings U/s 200 of Cr. P.C. for offences U/s 17 -19 of Environment Protection Act. it is submitted that the notices to show cause issued by Respondent No. 4 in this regard including notices on the alleged ground of mining without Air Consent and Water Consent has yet not been finally adjudicated, therefore recommendation to initiate criminal proceedings in pre mature. In any case, in the facts and circumstances of this matter, so such case is made out, The Respondent No. 6 reserves it all rights, remedies and contention to contest proposed criminal proceedings before appropriate forum.

It is prayed that this Hon'ble Tribunal may be pleased to take on record the above responses of the Respondent and dismiss the Application, with costs and pass such further or other appropriate orders as this Hon'ble Tribunal may be deemed fit and proper in the facts and circumstances of the case and thereby render justice.

Solemnly affirmed before me on this
 the 1st day of February, 2022 and
 having signed his name in my presence


P. G. KALIDASS
 AGENT & MINES MANAGER,
 CHETTICHAVADI JAGHIR MINES.
 DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 'C/O. DALMIA MAGNESITE CORPORATION'
 SALEM-636 012
BEFORE ME


 (V. Kamala Kannan)
 MS. 1624/2018
 No. 148, 17th Line Beach,
 Chennai-4



Dalmia Cement (Bharat) Ltd

Salem - 636 012.

Tamil Nadu, India.

48
ANNEXURE R1
ANNEXURE-I.(a)

2345601
☎ : 91 (427) 442450
Grams : DALMAGSITE
Telex : 0450 - 202 DC SL IN
Fax : 91 (427) 447008
2345616

The Secretary to the Government
Industries (MMDI) Department
CHENNAI: 600 009

SL:GO:55200(1)
July 11, 2005

Thro' The District Collector, Salem.

Sir,

We are submitting the application form in Form J in ^{triplicate} ~~duplicate~~ under Rule 24A of MCR 1960 for renewal of the part of the Mining Lease over an area of 449.364 hectares for mining Magnesite and Dunite in the S.F.No. 6 classified as unassessed dry waste in the Chettichavadi village, Salem Taluk and District, granted through the G.O. Ms. No.74 dated 11th March 1997 by Industries (MMDI) Department.

We have enclosed along with the application form all the required particulars and documents in Annexures, Figures and the Mining Scheme volumes approved by the COM (SZ) IBM, Bangalore as shown hereunder for your scrutiny and kind consideration.

List of Annexures, Figures and volumes enclosed herewith:

01. State Bank of India challan No.051002 dated 27.06.05 - Annexure - I, in duplicate
02. Attested copy of the certificate of Incorporation No.8 of 1951 - 1952 - Annexure - II, in duplicate
03. Mining dues clearance certificate for Dalmia Cement (Bharat) Ltd., - Annexure - III, in duplicate
04. Mining dues clearance certificate for Dalmia Cement (Bharat) Ltd., C/o. Dalmia Magnesite Corporation - Annexure IV, in duplicate
05. Affidavit that upto date income tax returns are filed and income tax is paid - Annexure V, in duplicate
06. Affidavit that upto date income tax returns are filed and income tax is paid issued by the Company Secretary of Dalmia Cement (Bharat) Ltd., - Annexure VI, in duplicate
07. Affidavit supporting the status of Mining Leases - Annexure VII, in duplicate

:: 2 ::

08. G.Os. for grant of Mining Leases / Renewal of Mining Leases, in duplicate
Magnesite & Dunite Minerals Mining Lease in Tamil Nadu.
- (a) G.O.Ms.No.74 dated 11th March 1997 - Annexure VIII
- Limestone Mineral Mining Leases in Tamil Nadu.
- (b) G.O. Ms. No. 534 Industries Department dated 27th August 1998 - Annexure IX.
- (c) RC No. 17783/MM4/2002 dated 27.01.2004 - Annexure X.
- (d) RC No.14812/MM4/2003 dated 25.05.2005 - Annexure XI.
- (e) G.O.Ms.No.2802 Department of Industries, Labour and Co-operated dated 31st May, 1965- Annexure XII.
- (f) G.O.Ms. No.262 Industries (MMA2) Department dated 15.11.1995 - Annexure XIII.
- (g) G.O.Ms. No.263 Industries (MMA2) Department dated 15.11.1995 - Annexure XIV.
- (h) G.O.Ms.No. 2 Industries (MMA2) Department dated 05.01.93 - Annexure XV.
- (i) G.O.Ms. No.258 Industries (MMA2) Department dated 14.11.1995 - Annexure XVI
- (j) G.O.(3D)No.1 Industries (MMA2) Department dated 08.01.2002 - Annexure XVII
09. General Power of Attorney of the Whole Time Director Shri N.Gopalarwamy - Annexure XVIII
10. Plan showing surrender of part Mining Lease areas to be surrendered.-Fig.No.I
11. Plan showing the area applied for renewal of Mining Lease. Fig. No.II

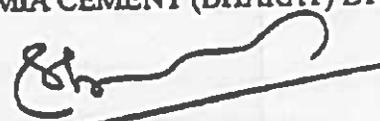
:: 3 ::

12. Approved copy of the Mining Scheme with a volume containing plans & Sections in Plates.
13. Approved copy of the Progressive Mine Closure Plan with a volume containing Plans & Sections in Plates.

We now request your goodselfes to grant the renewal of the part of the Mining Leasehold over an extent of 449.364 hectares and do the needful.

Thanking you,

Yours faithfully
for DALMIA CEMENT (BHARAT) LTD.,


S. VEERARAGHAVAN
GENERAL MANAGER

Encl : as above.

ktr:

FORM J
APPLICATION FOR RENEWAL OF MINING LEASE
 - in duplicate -
 (Rule 24 A)

To

The Secretary to the Government
 Industries (MMDI) Department
 CHENNAI : 600 009

Through : The District Collector, Salem

Sir,

We request for renewal of our mining lease under the Mineral Concession Rules, 1960. (A sum of Rs.2,500/- being the application fee payable under sub-rule (3) (i) (a) of rule 22 of the said rules has been deposited. State Bank of India , Salem Chaffan No. 051002 dt. 27.06.2005 is enclosed.

2. The required particulars are given below :

- | | |
|---|--|
| (i) Name of the applicant with complete address: | Dalmia Cement (Bharat) Ltd,
C/o Dalmia Magnesite Corporation
Salem : 636 012 |
| (ii) Is the applicant a private individual/private company/ public company/firm or association ? | A public limited company |
| (iii) In case the applicant is --
(a) an individual, his nationality
(b) a company, an attested copy of the certificate of registration/incorporation shall be enclosed
(c) a firm or association, the nationality of all the partners of the firm or members of the association | Not applicable

An attested copy of the Certificate of Incorporation of the Company is enclosed.

Not applicable |
| (iv) Profession or nature of business of the applicant | Mining of Magnesite & Dumite Minerals.
Manufacture of Dead Burnt Magnesite/ Monoliths & Magnesia Carbon Refractory Bricks |

- (vi.a) No. and date of the valid clearance certificate of payment of mining dues (copy enclosed) No. ROC 512/2005/Mines-A/dated 26.4.05 (copy enclosed)
- (vii) an affidavit, that up-to-date Income tax returns, as prescribed under the Income Tax Act, 1961, have been filed, and the tax due, including the tax on account of self-assessment has been paid) An affidavit that up-to-date income tax returns filed and the tax due has been paid, dated 8th April, 2005 is enclosed
- (viii(a) Particulars of the mining lease of which renewal is desired. An extent of 1314 acres (531.98 ha) land in S.No.6 of Chetti Chavadi Village, Salem Taluk & District, classified as unassessed dry waste, mining lease expiring on 19.8.2006. Presently the company desires to apply for renewal of mining lease over an area of 449.364 ha. and surrender part lease areas measuring 82.616 ha. as shown in the enclosed Survey Plans.
- (b) Details of previous renewal granted, if any Renewal of Mining Lease sanctioned in G.O.Ms. No. 74 Industries (MMDI) Dept. dated 11th March, 1997. Govt. of India Lr.No.24159/MMDI/91-2 dt. 9.12.97 and Govt.(Industries Dept) Lr.No.5036/MMDI/98-1 dt. 12.3.98
- (ix) Period for which renewal of mining lease is required Renewal of Mining Lease is required for 20 years from 20.8.2006
- (x) Whether renewal is applied for the whole or part of the Leasehold Renewal of Mining Lease is applied for part of the leasehold i.e.449.364 ha.
- (xA) (a) Does the applicant continue to have surface rights over the area of the land for which he requires renewal of the mining lease. The leasehold area is classified as unassessed dry waste, owned by the Government.
- (b) If not, has he obtained the consent of the owner and occupier for undertaking mining operations. If so, the consent of the owner and occupier of the land obtained in writing be filed. Not applicable

- (xB) Particulars of the areas mineral-wise in each State duly supported by affidavit for which the applicant or any person joint in interest with him.
- Status of Mining Leases applied /held by Dalmia Cement (Bharat) Ltd. in Tamilnadu as on 1.6.05 supported by an affidavit are enclosed :
- (a) already holds under mining lease : 1581.660 acres
- (b) has already applied for but not granted; or 2095.360 acres
- (c) being applied simultaneously Nil
- (xC) a mining plan which shall include -
- (a) the plan of the area showing the nature and the extent of the mineral body, spot or spots where the excavation is to be done in the first year and its extent, a detailed cross-section and detailed plan of spot(s) of excavation passed on prospecting data gathered by the applicant, a tentative scheme of mining (for the first five years of the lease.)
- The Mining Scheme approved by the Controller of Mines (SZ), IBM, Bangalore vide letter No. TN/SLM/MG/MS -170 /SZ dt. 18.9.2003 and the Progressive Mine Closure Plan, a component of the Mining Scheme approved by the Controller of Mines (SZ), IBM, Bangalore vide letter No. TN/SLM/MG/MS-170 / SZ dt. 27.10.2004, incorporating all the required particulars and the plans and sections in plates valid upto the date of lease expiry i.e. 19.8.2006 are enclosed herewith.
- (b) the details of geology and lithology of the area, the extent of manual mining and through machines //do//
- (c) annual program and plan for excavation (for five years) and //do//
- (d) the plan of the area showing natural water courses; limit of reserved and other forest areas and density of trees, assessment of impact of mining activity of Forest, Land surface and Environment including air and water pollution, and details of the scheme for afforestation, land reclamation, use of pollution control devices). //do//
- (xD) Is the mineral going to be used in his own industry ? So give full details, (for " own industry " See Explanation under Rule 24B)
- Yes, the Raw Magnesite produced from the Chetti Chavadi Jaghir Mines is entirely for self consumption in our own plant for the manufacture of Dead Burnt Magnesite, which in turn is used for manufacture of Refractory monoliths, Magnesia Carbon Bricks and high thermal Shock resistant magnesite bricks in our Plant

(xi) In case the renewal applied for is only for part of the leasehold :

- (a) the area applied for renewal
- (b) description of the area applied for renewal (description should be adequate for the purpose of demarcating the plot)

449.364 ha. of land

LOCATION OF THE AREA

The mining leasehold area is situated in the Chetti Chavadi village in Salem District in the Registration District of SALEM Sub-District and Thana SALEM bearing cadastral Survey No.6. The Chettichavadi village forms part of the Chalk Hills of Salem and is located between Latitudes 11° 43'15" and 11°44'30", Longitudes between 78° 07'00" & 78° 08'20" and falling within the limits of Survey of India Topo Sheet No. 58 I/2. The leasehold area lies to the East of Karunkaradu. To the south of this area lies the Nagaramalai Reserve Forest. The northern boundary of the lease area coincides with the limits of the Kurumbapatti Reserve Forest lying at the South Western foot of the Shevaroy Hills. In the North, adjoining this area lies the mining lease area of Tamil Nadu Magnesite Ltd. and in the West lies the Mining Lease area of Burn Standard Company Ltd.

(c) particulars of map of the leasehold with area applied for renewal clearly marked on it (attached)

Map enclosed

(d) particulars of existing or created dumps of ore, if any.

The existing stock of Raw Magnesite ore as on 01.07.2005 is 199282.124 tonnes

(xii) Means by which the mineral is to be raised, i.e. by hand, labour or mechanical or electric power.

Mining by semi-mechanised method
Ore collection, dressing & stacking are done manually. Drilling, dozing, spoil removal are carried out by heavy earth moving machinery.

(xiii) Manner in which the mineral raised is to be utilised :

- (a) for manufacture in India -
- (b) for exports to foreign countries -

For Dead burning in Rotary kilns either by feeding direct or through Ore Beneficiation Plant

- (c) in the former case the industries in connection with which it is required, should be specified. In the latter case, the countries to which the Mineral will be exported and whether the mineral is to be exported after processing or in raw form should be stated.

It is required in

- (i) Refractory industry
 (ii) Cement industry
 (iii) Chemical industry
 (iv) Ferro Chrome industry
 (v) Dunite is used in Refractory industry and in Foundry as olive sand.

- (xiv) Details of output during the last Three years and phased program for production during the next three years along with a layout plan for development, if any.

Output during the past 3 years

	<u>Raw Magnesite (MT)</u>	<u>Dunite (MT)</u>
2002-2003	42187	1749
2003-2004	31431	1823
2004-2005	42081	96

Production program for the next 3 years

2005-2006	42,500	3000
2006-2007	42,500	3000
2007-2008	60,000	3000

Layout plans for development enclosed.

- (xv) In case of coal, details of existing railway transport facility available and additional transport facility, if any, required.

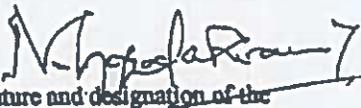
Not applicable.

- (xvi) Any other particulars which the applicant wishes to furnish Nil

We do hereby declare that the particulars furnished above are correct and are ready to furnish any other details, including accurate plans as required by you before the Grant of renewal of the lease.

Yours faithfully

For Chetti Chavadi Jaghir Magnesite Mines
 Of Dalmia Cement (Bharat) Limited



Signature and designation of the
 Applicant

N. GOPALASWAMY
 Whole Time Director
DALMIA CEMENT (BHARAT) LTD.
DALMIAPURAM-621 651
DIST. TRICHY (TAMILNADU)

Place: Salem-12,

Date: 06-07-2005

N.B : If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached).

ANNEXURE-I.(b)

Dalmia Cement (Bharat) Ltd

Salem - 636 012.

Tamil Nadu, India.

☎ : 91 (427) 23456
 Grams : DALMAGSITE
 Telex : 0450 - 202 DC SL II
 Fax : 91 (427) 23456

-In Triplicate-

The Secretary
 Industries (MMDI) Department
 Govt. of Tamilnadu
CHENNAI : 600 009

SL:GO:55200 (1)
 July 11, 2005

Thro' : The District Collector, Salem.

Sir:

Sub : Submission of our proposal to surrender part lease area of 82.616 hectares out of the total 531.98 hectares of the Chettichavadi Jaghir Mines Lease area in S.F.No.6 of Chettichavadi village, Salem Taluk & District, Tamilnadu.

We submit to state that as per Government Order in G.O.No.74, Department of Industries Labour and Co-operation dated 11th March, 1997, we, Dalmia Cement (Bharat) Limited, Dalmiapuram and having our Head Office at 11th & 12th Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi - 110 001, were granted with renewal of mining lease for a period of 20 years from 20.08.1986 to 19.08.2006 for mining Magnesite and Dunite over an extent of 531.98 hectares (1314 acres) in S.F.No.6 of Chettichavadi village, Salem Taluk and District, Tamilnadu.

Out of the total mining lease area of 531.98 hectares, presently we have applied for renewal of part mining lease area over an extent of 449.364 hectares only in Form J under Rule 24A of MCR 1960 vide our letter even dated for mining Magnesite and Dunite.

Scanned by CamScanner

We also submit hereby our proposal to surrender part lease area measuring 82.616 hectares as detailed hereunder:

(a) Part mining lease area in 'C' Block on the north:

A portion of the area demarcated on the northern most part of the lease area measuring 61.80 hectares is proposed to be surrendered for the following reasons:

- (i) Mineral reserves have been removed upto the level of 360 m.RL above MSL. Further, it is not possible to win the ore economically due to very poor ore availability in this part.
- (ii) In the central and eastern parts of the area there are non ore bearing areas.
- (iii) On the northern and western sides it has common boundaries with the Tamil Nadu Magnesite limited mining area and Burn Standard Company Limited mining area respectively. It is not possible to carry out mining operations in these directions as we have reached the safe limits by maintaining prescribed bench heights. Further, we are constrained to mine deeper until upper benches are extended beyond the common boundaries which is not feasible for us.

(b) Part mining lease area in the 'B' Block on the east:

A portion of the area demarcated on the eastern border of the lease area measuring 1.93 hectares marked as b(i) being developed by the local village panchayat as a pond for irrigation purpose and another portion of the land which is devoid of ore and under encroachment by the local villagers measuring 2.93 hectares marked as b (ii) totalling 4.86 hectares of land is proposed to be surrendered for the following reasons:



-3-

(i) These areas are not useful for our mining activities.

(c) Part mining lease area in 'A' Block on the west:

A portion of the area demarcated on the western most part of the lease area measuring 15.147 hectares is proposed to be surrendered for the following reasons:

- (i) Major portions of this area are non-ore or very low ore bearing areas and hence ore availability is very poor.
- (ii) In the western most part, the top benches have already been pushed to the ultimate limits by maintaining prescribed bench heights and widths. We cannot push the benches on the north into the adjoining Burn Standard company area also since the lease area is very very narrow here.

(d) Part Mining Lease area in MT Block in the South:

A portion of the land on the eastern border of the MT Block under encroachment by local villagers for long measuring 0.809 hectare is proposed to be surrendered for the following reasons:

- (i) The area is under encroachment by the local villagers since long.
- (ii) The area is totally barren and is devoid of any ore.
- (iii) The area is very narrow and will not be useful for our mining activities.



Scanned with
CamScanner

Scanned by CamScanner

Totally the Company proposes to surrender 82.616 hectares.

<u>Block</u>	<u>Demarcation</u>	<u>Area</u>
C. Block	(a)	61.80 hectares
B. Block	b (i)	1.93 hectares
	b (ii)	2.93 hectares
A. Block	(c)	15.147 hectares
MT Block	(d)	0.809 hectares
TOTAL		82.616 hectares

Area proposed to be applied for
Mining lease renewal 449.364 hectares

Total lease area at present 531.980 hectares
Please see part mining lease area surrender plan enclosed.

We now request your goodservices to accept our proposal to
surrender part lease area over 82.616 hectares and grant
renewal of the part of the mining lease hold over an extent
of 449.364 hectares.

We are enclosing herewith a SBI receipt PTN NO.73 dt 19.7
for an amount of Rs. 200/- towards deposit amount.
Kindly do the needful.

Thanking you,

Yours faithfully

For Chettichavadi Jghir Magnesite Mines
Of Dalmia Cement (Bharat) Limited

N. Gopalaswamy

Signature and designation of the

Applicant.

N. GOPALASWAMY

Whole Time Director

DALMIA CEMENT (BHARAT) LTD.

DALMIAPURAM-621 021

DISE TROCHY (TAMILNADU)

Place : Salem-12,

Dated : 11.7.2005.

Encl as above



FORM - D

Receipt of application for renewal of mining leaseSee rule 23(4)GOVERNMENT OF TAMIL NADU

Roc.980/2005/Mines-A/

Dated: 11-7-2005.

Received the application with the following enclosures for renewal of mining lease of Tvl. Dalmia Cement (Bharat) Limited, C/o. Dalmia Magnesite Corporation, Salem-635 012 on 11-7-2005 for about 449.36.4 hectares of poramboke land located in S.F.No. 6 of Chettichavadi village, Salem Taluk, Salem District for mining Magnesite and Dunite.

Enclosures:

- 1) Application in Form-J in triplicate
- 2) Chalan for Rs.2500/- remitted at S.B.I.Salem on 27-6-2005
- 3) Attested copy of the Certificate of Incorporation No.8, of 1961-1952
- 4) Mining dues clearance Certificate for Dalmia Cement (Bharat)Limited issued by the Collector, Trichirapalli.
- 5) Mining Dues clearance certificate for Dalmia Cement (Bharat) Limited issued by the Collector, Perambalur.
- 6) Mining dues clearance certificate for Dalmia Cement (Bharat)Limited issued by the Collector, Salem.
- 7) Affidavit that upto date income tax returns are filed and income tax is paid .
- 8) Affidavit that upto date income tax returns are filed and income tax is paid issued by the Company Secretary of Dalmia Cement (Bharat)Limited.
- 9) Affidavit supporting the status of Mining leases.
- 10) G.Os for grant of mining leases/renewal of mining leases.
 1. G.O.Ms.No.74, dated 11-3-1997.- Magnesite & Dunite.

P.T.O.

Limestone Mineral Mining leases in TamilNadu.

- ii. G.O.Ms.No.534, Industries, dated 27-8-1998.
 - iii. Ex~~O~~Commissioner's Proceedings Rc.No.177B3/
MM4/2002/dated 27-1-2004.
 - iv. Director's Proceedings Rc.No.14812/MM4/2003
dated 25-5-2005.
 - v. G.O.Ms.No.2802, Industries & Labour and Co-operate
dated 31-5-1965.
 - vi. G.O.Ms.No.262, Industries (MMA2)Department,
dated: 15-11-1995.
 - vii. G.O.Ms.No.263, Industries (MMA2)Department,
dated: 15-11-1995.
 - viii. G.O.Ms.No. 2, Industries (MMA2) Department,
dated: 5-1-93.
 - ix. G.O.Ms.No.258, Industries (MMA2)Department,
dated: 14-11-1995.
 - x. G.O.(3D)No.1, Industries (MMA2) Department,
dated: 8-1-2002.
11. General Power of Attorney of the Whole Time Director
Shri N. Gopalaswamy.
 12. Plan showing surrender of part Mining lease areas
to be surrendered.
 13. Plan showing the area applied for renewal of
mining lease.
 - ✓ 14. Approved copy of the Mining Scheme with a volume
containing plans & Sections in Plates.
 - ✓ 15. Approved copy of the Progressive Mine Closure Plan
with a volume containing Plans & Sections in Plates.

Place: Salem

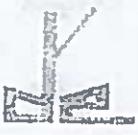
Date : 11-7-2005,

FOR COLLECTOR, SALEM.

To

11.7.2005
Tvl. Dalmia Cement (Bharat) Limited,
C/o. Dalmia Magnesite Corporation,
Salem-636 012.

11/06



Dalmia Magnesite Corporation

(PROP : DALMIA CEMENT (BHARAT) LTD.)

Salem - 636 012.
Tamil Nadu, India

☎ : 91 (427) 2345603/2345602
Grans : DALMAGSITE
E-Mail : dalmag@eth.net
Fax : 91 (427) 2345616

SL: GO: 53200(1)

// In Triplicate //

February 9, 2006

The Secretary
Industries Department
Govt. of Tamil Nadu
CHENNAI : 600 009

*Recd. Three Copies
13/2/06 Ind. (T-Prop) Section*

Dear Sir:

Sub: Submission of application for the issue of " Environmental Clearance " (EIA Notification 1994) for renewal of our Mining Lease in Chetti Chavadi Jaghir Mines, in S.F. No.6 of Chetti Chavadi village, Salem Taluk & District, Tamil Nadu, for mining Magnesite and Dunite

We submit to state that as per Govt. Order in G.O.Ms.No. 74, Department of Industries, Labour and Co-operation dated 11th March, 1997, we, Dalmia Cement (Bharat) Limited, Dalmiapuram and having our Head Office at 11th & 12th Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi - 110001, were granted with renewal of mining lease for a period of 20 years from 20.8.1986 to 19.8.2006 for mining Magnesite and Dunite minerals over an extent of 531.98 Hectares (1314 acres) in S.F.No. 6 of Chetti Chavadi village, Salem Taluk and District, Tamil Nadu

Out of the total mining lease area of 531.98 hectares, presently we have applied for renewal of mining lease over an extent of 449.364 hectares only and surrendering part lease area measuring 82.616 hectares vide our letter No. SL:GO: 53200(1) dated July 11, 2005.

As per MOEF Circular dated 28th October, 2004, the unit has to obtain Environmental Clearance under the EIA Notification 1994 at the time of renewal of our mining lease. Further it is stated that the proposal for obtaining the Environmental Clearance has to be routed to Ministry of Environment and Forest through the State Government dealing with mining leases.

Certified that this is the true copy of the original



2/11/14

REGD. OFFICE : DALMIAPURAM (TAMILNADU)-621 651.
HEAD OFFICE : HANSALAYA 11TH & 12TH FLOORS, P. B. No. 364, 15, BARAKHAMBHA ROAD, NEW DELHI - 110 001.

Salem
GM

ANNEX-R-3

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Seventeenth day of August Two Thousand Six

PRESENT

THE HON'BLE MR. JUSTICE K.RAVIRAJA PANDIAN

MP No.1 of 2006

IN WP.25518/2006

DALMIA CEMENT (BHARAT) LTD. [PETITIONER]
A COMPANY INCORPORATED UNDER THE INDIAN
COMPANIES ACT 1913, HAVING ITS REGISTERED
OFFICE AT DALMIAPURAM,
DIST.TIRUCHIRAPALLI,
TAMIL NADU, INTER ALIA, CARRYING
ON BUSINESS UNDER THE
NAME AND STYLE OF
DALMIA MAGNESITE CORPORATION AT
SALEM, TAMIL NADU 636 012,
REP.BY ITS LEGAL
ADVISOR S.N.MITTA.

Vs

1 THE STATE OF TAMILNADU [RESPONDENTS]
REP.BY ITS SECRETARY TO GOVT.,
DEPARTMENT OF INDUSTRIES
LABOUR AND CO-OPERATION,
FORT ST.GEORGE, CHENNAI-9.
2 THE DISTRICT COLLECTOR
SALEM 636001.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of ad interim injunction restraining the respondents their men, agents, servants and persons claiming under them through them from interfering with the mining of the aforesaid minerals by the petitioner at the Petition Schedule Premises and to continue issue permits for removal of excavated minerals from the petition schedule premises on payment of the requisite royalty pending disposal of the application dated 11.7.2005 pending W.P.No.25518/2006

AI 004710

C.C. to, M/S T. POORNAM, Advocate on payment of necessary charges S.R.No. 1947
The Special Government Pleader, High Court, Madras. - 104.

Order

in
MP.1/2006

in
WP.25518/2006

Date :17/08/2006

From 26.2.2001 the Registry is issuing certified copies of the Interim Orders in this format
NR(18.8.2006)

NA
18/8

B

2/11/14

All that tract of lands situated at CHETTICHAVADI VILLAGE in SALEM in the Registration District of SALEM Sub-District and Thana SALEM bearing Cadastral Survey No.6, containing an area of 1314 acres or thereabouts delineated on the plan hereto annexed and thereon coloured RED and bounded as follows:

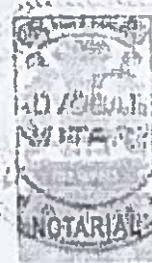
Name of the District : Salem
 Name of the Taluk : Salem
 Name of the Village : Chetichavadi

13. On the North by MUNGALPADI, KARUPPUR & THATHAYANGARPATTI VILLAGES

14. On the East by CHETTICHVADI LANDS

15. On the South by VELLAKKALPATTY, ALAGAPURAM & CHETTICHAVADI VILLAGES and

16. On the West by VELLAKKALPATTY & KARUPPUR VILLAGES hereinafter referred to as "the said lands".



ANNEX-R-4

REGISTERED POST WITH AD

-In duplicate-

The Director,
Ministry of Environment & Forest,
Paryavaran Bhavan,
INDO Complex,
Lodi Road,
New Delhi - 110 003.

SL:GO:55200(1)
Date :17-8-2014

Dear Sir/Dear Madam,

Re: Submission of application in duplicate for issue of
"Environmental Clearance" (EIA Notification 1994) for
our
Chettichavadi Jaghir Magnesite Mines, Salem Taluk &
District, Tamil Nadu.

1. We are operating our Chettichavadi Jaghir Magnesite Mines located in the S.F.No.6/1 of Chettichavadi village Salem Taluk & District, TamilNadu for supplying Magnesite ore to our factory located in the close vicinity.
2. The first Mining lease renewal granted over an area of 531.98 Hectares thro' the C.O.No No.74 dated 11th, March 1997 by Industries(MMDI) Department, Tamil Nadu, expired on 19.6.2006.
3. We have applied for second renewal of the part Mining lease area over an area of 449.364 hectares for mining Magnesite and Dunite in the S.F.No.6/1 classified as unassessed dry waste in the Chettichavadi village Salem TK and Dist., T.N.. to the Secretary to the Govt. Industries (MMDI) Department Chennai - 600 009 vide our letter No.SL:Go:55200(1) dated July, 11 2005.
4. As per MOEF guidelines, the unit has to obtain Environmental clearance at the time of renewal of the Mining lease.

Contd.

[Handwritten signature]
21/8/14

5. As per MOEF Circular dated 28th October, 2004 we have submitted our application in triplicate for issue of Environmental Clearance routing thro' the Secretary, Industry Department, Govt. of T.N vide our letter No.SL:GO:53200(1) dated February 9, 2006.
6. The application was received in the Secretariate, Industries Department on 13.2.2006. From there it was sent to the Dept. of Geology and Mining Chennai.
7. On our application for "Environmental Clearance" dated February 9, 2006 the TamilNadu Industries Department reference No.2882/MMB2 and the Geology and Mining Department reference No.1355/MM3/06 are written by the respective departments.
8. Now, on 27.07.2010 the Dept. of Geology and Mining at Chennai has returned our application for EC back to us after a period of 4 years asking us to forward the application for EC directly to MOEF New Delhi. Hence, we are forwarding the application for Environmental clearance directly.
9. In view of the above reasons, we are enclosing herewith the following documents in duplicate in respect of renewal of the part mining lease area of 449.364 hectares of our Chettichavadi Jaghir Magnesite Mines.
 - (i) Application Form (Schedule II)
 - (ii) Questionnaire for Environmental Appraisal
 - (iii) Comprehensive Report on Environmental Impact Assessment and Environmental Management Plan approved by IBM (S2) Bangalore on 28.10.2005
(1 original copy & 1 Xerox copy)
 - (iv) Mining Plan approved by IBM (S2) Bangalore for 5 years 2006-07 to 2010-11
(2 copies in original)

Cont..

[Handwritten signature]
2/11/10

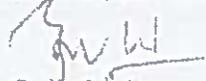
16. The quantity of Raw Magnesite produced at our Chettichavadi Jaghir Mines has gradually come down due to the following reasons:

- (i) the requirement of Raw Magnesite at our Factory has come down.
- (ii) Separation of our workmen by voluntary retirement and natural attrition.

in view of the above, we would request your goodseives to kindly process our case for according us environmental clearance required for Second renewal of our part mining lease area.

Thanking you,

Yours faithfully
FOR DALMIA MAGNESITE CORPORATION

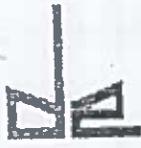


P.G. Walidass
AGENT & MINES MANAGER
CHETTICHAVADI JAGHIR MAGNESITE MINES

Encl: as above

dm
2/11/14





Dalmia Bharat Sugar and Industries Limited
C/o. Dalmia Magnesite Corporation
Salem - 636 012

Phone: 91(427) 2345604/2346704

Fax : 91(427) 2345616/2346732

REGISTERED POST WITH AD

-In duplicate-

The Director,
 Ministry of Environment
 Paryavaran Bhavan,
 CGO Complex,
 Lodi Road,
 New Delhi - 110 003.

प्रदेश विभाग, REGD. OFFICE
 पर्यावरण एवं वन विभाग
 Ministry of Env. & Forests
 प. व. भवन, लोदी रोड, नई दिल्ली
 C. R. Unit, Govt. of India
 CGO Complex, Lodi Road
 New Delhi - 110003

SL:GO:55200(1)

Date : 10-10-2011

12

Dear Sir/Dear Madam,

Sub: Submission of application in duplicate for issue of
 "Environmental Clearance" in Form 1 under EIA
 Notification in 2006 for our Chettichavadi Jaghir Magnesite
 Mines, Salem Taluk & District, Tamil Nadu.

Ref: (i) Your letter No.F.No.J-11015/327/2010-IA.II(M) dated
 6.12.2010.
 (ii) Our letter No.SL:MM:26141-B dated 19.3.2011.

1. We are operating our Chettichavadi Jaghir Magnesite Mines located in the S.F.No.6/1 of Chettichavadi village Salem Taluk & District, Tamil Nadu for supplying Magnesite ore to our factory located in the close vicinity.
2. The first Mining lease renewal granted over an area of 531.98 hectares thro' the G.O.Ms No.74 dated 11th March, 1997 by Industries (MMDI) Department, Tamil Nadu expired on 19.8.2006.
3. We have applied for second renewal of the part Mining Lease area over an extent of 449.364 hectares for mining Magnesite and Dunite and surrendered part lease areas over an extent of 52.616 hect. in the S.F.No.6/1 classified as unassessed dry waste land in the Chettichavadi village Salem Taluk and Dist., Tamil Nadu to the Secretary to the Govt. Industries (MMDI) Department Chennai - 600 009 vide our letter No.SL:GO:55200(1) dated July, 11, 2005.



ATTESTED TRUE COPY

Ramni Taneja
 NOTARY
 GOVT. OF INDIA 6/11/2014



REGD. OFFICE: DALMIAPURAM (TAMILNADU) - 621 651.
 HEAD OFFICE: HANSALAYA 11TH & 12TH FLOORS, P.B.No.364
 15, BARAKHAMBA ROAD, NEW DELHI - 110 001

: 2 :

4. The Govt. of Tamil Nadu have not passed any orders so far. Presently the company operates the Mine by virtue of order of injunction passed in MP No.1 of 2006 in W.P.Nos 25518 and 25519 of the Honourable High court of Madras and by virtue of cause title change passed in MP.1 of 2011 in WP 25518 of 2006, from Dalmia Cement (Bharat) Limited into Dalmia Bharat Sugar and Industries Limited, by the Hon'ble High Court of Madras.
5. As per your above cited letter dated 6th Dec, 2010 we are submitting herewith our application in duplicate for Environmental Clearance (EC) in Form-1 under EIA Notification 2006.
6. As per MOEF Guidelines, the unit has to obtain EC at the time of renewal of Mining Lease.
7. The 5 Yearly draft Scheme of Mining (SOM) for 2011-12 to 2015-16 is prepared and submitted to IBM Chennai for their perusal & approval. Once the SOM is approved by IBM, a copy of which will be submitted to MOEF New Delhi.
8. The application for EC in Form - 1 under EIA Notification 2006 was submitted in triplicate to the office of the District Forest officer, Salem Division Salem, Tamil Nadu for their recommendation. The District Forest officer had inspected our Mines, on 24.8.2011. The DFO has submitted his remarks on our proposal to the Principal Chief Conservator of Forests and Chief Wild Life Warden Chennai thro' the Conservator of Forests Salem circle Salem for further action under copy to us. A copy of the letter is enclosed herewith for your kind reference.
9. The quantity of Raw Magnesite ore produced at our Chettichavadi Jaghir Mines has gradually come down due to the following reasons.
 - (i) the requirement of Raw magnesite ore at our Factory has come down.
 - (ii) Separation of workmen by voluntary retirement and natural attrition.



ATTESTED TRUE COPY

Ramni Taneja
 NOTARY
 GOVT. OF INDIA 6/11/2014

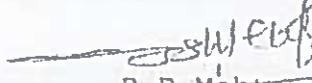
....3

: 3 :

In view of the above, we would request your goodselves to kindly process our application for according us Environmental Clearance required for second renewal of our part mining lease area.

Thanking your

Yours faithfully
for DALMIA BHARAT SUGAR AND INDUSTRIES LTD.


B.B. Mehta
OWNER MINES

CHETTICHAVADI JAGHIR MAGNESITE MINES
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.
C/O DALMIA MAGNESITE CORPORATION

Encl.: as above



ATTESTED TRUE COPY

Ramni Taneja
NOTARY
GOVT. OF INDIA 6/11/2014

Ramni Taneja
6/11/2014
Ramni Taneja BA (Hons) LLB
Advocate, Supreme Court of India
Solicitor, Supreme Court of England & Wales
Notary Government of India
A-34, Defence Colony
New Delhi-110 024 India



Acknowledgement Slip for TOR application

1 message

<monitoring-ec@nic.in>

Mon, 19 Mar 2018 at 17:55

To: s.kumar1958@gov.in, dalmiamagnesitemines@gmail.com

Cc: rb.lal@nic.in, amit.vashishtha@nic.in, m.knight@gov.in, monitoring-ec@nic.in, khush.singh@gov.in

Acknowledgement Slip for TOR

This is to acknowledge that the proposal has been successfully uploaded on the portal of the Ministry. The proposal shall be examined in the Ministry to ensure that required information has been submitted. An email will be sent for seeking additional information, if any, within 5 working days. Once verified, an acceptance letter shall be issued to the project proponent.

Following should be mentioned in further correspondence

1. Proposal No. : IA/TN/MIN/73566/2018
2. Category of the Proposal : Non-Coal Mining
3. Project/Activity applied for : 1(a) Mining of minerals
4. Name of the proposal : Dalmia Bharat Sugar and Industries Ltd.,
C/O Dalmia Magnesite Corporation,
Chettichavadi Jaghir Magnesite and Dunite
Mines, located in S.F No: 6, Govt.
Poramboke land, 449.364 Ha, in
Chettichavadi Village, Salem Taluk and
District, Tamil Nadu
5. Date of submission for TOR : 19 Mar 2018
6. Name of the Project proponent along with contact details
 - a) Name of the proponent : DALMIA BHARAT SUGAR AND
INDUSTRIES LTD.,
 - b) Mobile No. : 8072430915
 - c) State : Tamil Nadu
 - d) District : Salem
 - e) Pincode : 636012

RT 468991548 IN
19/6/19

S. 001
2/16
ANNEX-R/7

Roc.No.45/2018/ D-1/Mines-A

Collectorate,
Salem - 636 001.
Dated: 18.06.2019.

75

MEMO

Sub: Mines and Minerals – Major Mineral - Salem District – Salem Taluk – Chettichavadi Village – Poramboke unassessed dry waste land - S.F.No. 6(P) – Over an extent of 531.98.0 Hects. – Dunite lease granted to Tvl.Dalmia Bharat Sugar and Industries Limited - Mines operated without Environment Clearance - treated as violation category – Levying of cost of minerals excavated from 01.04.2000 to 31.08.2018 – Reg.

- Ref: 1. G.O.Ms. No.74 Industries Department dated: 14.03.1997.
2. Regional Controller of Mines, Ministry of Mines, Indian Bureau of Mines, Chennai letter No.TN/SLM/LST/MS-1064. MDS dated 24.06.2014.
3. MoEF & CC Notification S.No.804 (E) dated 14.03.2017
4. MoEF & CC Office Memorandum F. No: 3-50/2017 – 1A III (Pt). IA-III dated 30.05.2018
5. Order of Hon'ble Supreme Court Civil No.114/2014 dated 02.08.2017.
6. The Application of Dalmia Bharat Sugar and Industries Limited, Salem dated 27.10.2018.
7. The Director of Geology and Mining, Chennai letter No. 7790/MM1/2018 dated 31.10.2018.
8. indian Mineral yearbook 2010

In the reference 1st cited, Mining lease was granted to Tvl. Dalmia Bharat Sugar and Industries Limited, Salem for mining Dunite in Salem taluk of Chettichavadi Village, S.F.No. 6(P) over an extent of 531.98.0 Hectres for a period of 20 years upto 19.08.2006. The second renewal application of Mining lease was forwarded to Government by the Commissioner of Geology and Mining, Chennai vide

Rc.No.980/2005/Mines-A dated 20.01.2006. The Company was carrying out mining operation under the deemed extension provisions contained in 24A(6) of Mineral concession rules 1960. Tvl. Dalmia Bharat Sugar and Industries Limited have operated the mine without prior Environmental Clearance from the Ministry of Environment, Forest and Climate Change, New Delhi.

2. In these circumstances, as per the direction of Supreme Court of India in W.P.No.114/2014 dated 02.08.2017 in page no.97 says "(9) in the event of any overlap that is illegal or unlawful mining without an FC or without an EC or without both would attract only 100% compensation and not 200% compensation" and as per reference 5th cited, where in it was instructed to comply the orders of the Hon'ble Supreme Court of India.

3. In the reference 6th cited, Tvl. Dalmia Bharat Sugar and Industries and Limited, Salem has requested to issue No objection certificate for further processing their application for getting Environmental Clearance.

5. In the reference 7th cited, the Director of Geology and Mining has instructed to furnish complete details of Tvl. Dalmia Bharat Sugar and Industries Limited, Salem in compliance to the direction of Hon'ble Supreme Court of India.

6. Tvl. Dalmia Bharat Sugar and Industries Limited, Salem having paid the royalty and other statutory due to the Government, has removed Reject Dunite mined/excavated since 1958 from the above lease without Environmental Clearance.

7. Hence Tvl. Dalmia Bharat Sugar and Industries and Limited, Salem. It is instructed to pay 100% compensation on price of the mineral produced in excess quantity of base year 1993-94 in between 01.04.2000 to 31.08.2018 which is amounting to Rs.11,44,30,605/- (Rupees Eleven Crore Fourty four lakhs thirty thousand six hundred five only) the amount of cost of mineral may be paid to State Government in the following head of account.

0853 Non Ferrous Mining and Metallurgical Industries
 00 Non Ferrous Mining and Metallurgical Industries
 800 Miscellaneous Receipts AC Miscellaneous Receipts
 29 97-Fines and Penalties- Forfeiture, Seizure,
 confiscation, etc., D.P.Code- 0853-00-800-AC-2997

Cost working sheet for the minerals excavated from 01.04.2000 to 31.08.2018.				
G.O. No	Taluk, Village, S.F.No. & Extent (in Hects)	Name of the Mineral	Permitted quantity (in CBM)	100% of Cost of the minerals (in Rs.)
G.O.Ms.No74, Industries Dept. dated 14.03.1997.	Salem Tk, Cheitichavadi Village, S.F.No. 6 (P) 531.75.0 Hects.	Dunite	175159.309	11,44,30,605
		Total	175159.309	11,44,30,605

(Sa/- Rohini R. Bhujibhakar)
 District Collector
 Salem.

// True Copy/ By Order//

OP Amur 30/12/16
 For Collector, Salem.

To:

6/11/16
 Tvl. Dalmia Bharat Sugar and Industries and Limited,
 Salem.

Copy Submitted to the Director, Department of Geology and Mining,
 Chennai -32.

Dated: 08.07.2020.

MEMO

Sub: Mines and Minerals - Major Mineral - Magnesite - Salem District - Salem Taluk - Chettichavadi Village - Poramboke unassessed dry waste land - S.F.No. 6(P) - Over an extent of 531.98.0 Hects. - Magnesite lease granted to Tvl.Dalmia Bharat Sugar and Industries Limited - Mines operated without Environment Clearance - Treated as violation category - Levying of cost of minerals excavated.- Reg.

- Ref: 1. G.O.Ms. No.74 Industries (MM DI) Department dated: 11.03.1997.
2. Regional Controller of Mines, Ministry of Mines, Indian Bureau of Mines, Chennai letter No.TN/SLM/LST/MS-1064. MDS dated 24.06.2014.
3. MoEF & CC Notification S.No.804 (E) dated 14.03.2017
4. MoEF & CC Office Memorandum F. No: 3- 50/2017 - 1A iii (Pi). 1A-iii dated 30.05.2018
5. Order of Hon'ble Supreme Court Civil No.114/2014 dated 02.03.2017.
6. The Application of Dalmia Bharat Sugar and Industries Limited, Salem dated 27.10.2018.
7. The Director of Geology and Mining, Chennai letter No. 7790/MM1/2018 dated 31.10.2018.
8. Indian Mineral yearbook values.
9. This office Memo Roc.No.45/2018-D-1/Mines-A dated 18.06.2019.
10. Writ Petition No.889/2020 filed by Tvl.Dalmia Bharat Sugar and Industries Limited, Salem.
11. Hon'ble High Court, Madras order dated 12.06.2020. (Batch case W.P.Nos.266808 etc..)
12. Hon'ble National Green Tribunal (SZ), Chennai Judgment O.Appn.No.136/2017 dated 30.06.2020.

In the reference 1st cited, Mining lease was granted to Tvl. Dalmia Bharat Sugar and Industries Limited, Salem for mining Magnesite in Salem taluk of Chettichavadi Village, S.F.No. 6(P) over an extent of 531.98.0 Hectres for a period of 20 years from 20.08.1966 to 19.08.1986. The first renewal application granted to mining lease for 20 years for the period of

20.08.1986 to 19.08.2006. The second renewal application of Mining lease was forwarded to Government by the Commissioner of Geology and Mining, Chennai vide Rc.No.980/2005/Mines-A dated 20.01.2006. The Company was carrying out mining operation under the deemed extension provisions contained in 24A(6) of Mineral concession rules 1960. Tvl. Dalmia Bharat Sugar and Industries Limited have operated the mine without prior Environmental Clearance certificate from the Ministry of Environment, Forest and Climate Change, New Delhi.

2. In these circumstances, as per the direction of Supreme Court of India in W.P.No.114/2014 dated 02.08.2017 in page no.97 says "(9) in the event of any overlap that is illegal or unlawful mining without an FC or without an EC or without both would attract only 100% compensation and not 200% compensation" and as per reference 5th cited, where in it was instructed to comply the orders of the Hon'ble Supreme Court of India.

3. In the reference 6th cited, Tvl. Dalmia Bharat Sugar and Industries and Limited, Salem has requested to issue No objection certificate for further processing their application for getting Environmental Clearance.

5. In the reference 7th cited, the Director of Geology and Mining has instructed to furnish complete details of Tvl. Dalmia Bharat Sugar and Industries Limited, Salem in compliance to the direction of Hon'ble Supreme Court of India.

6. Tvl. Dalmia Bharat Sugar and Industries Limited, Salem having paid the royalty and other statutory due to the Government, has removed Raw Magnesite mined/excavated since 1958 from the above lease without Environmental Clearance.

7. In the reference 9th cited, for Dunite mineral the cost of mineral was fixed as Rs.11,44,30,605/- (Rupees Eleven Crore Forty four lakhs thirty thousand and six hundred five only) and the same was confirmed by Hon'ble High Court of Madras in W.P.No. 889/2020.

8. Further, In the reference 11th cited, the Hon'ble High Court of Madras have delivered order infavour of the Government side and also instructed to pay cost of mineral amount alongwith Rs.10,000/- to the Chief Justice Relief Fund for who have filed the Writ petition and moreover the Hon'ble National

Green Tribunal (SZ) have also delivered judgment in O.A.No. 136/2017 dated 30.06.2020 and reiterated the necessity of Environment Clearance for mining operations vide in the reference 12th cited.

8. Hence as per the direction of Hon'ble Supreme Court of India and as per Order of Hon'ble High Court of Madras, it is instructed to pay 100% compensation on price cost of the mineral produced in excess quantity of base year 1993-94 in between 01.04.2000 to 31.08.2018 which is amounting to Rs.7,24,73,501/- (Rupees Seven Crores twenty four lakhs Seventy three thousand five hundred one only) the amount of cost of mineral should be paid to State Government in the following head of account within 15 days from the date of receipt of this memo, failing which action will be imitated as per Act and Rules.

0853 Non Ferrous Mining and Metallurgical Industries
00 Non Ferrous Mining and Metallurgical Industries
800 Miscellaneous Receipts AC Miscellaneous Receipts
29 97-Fines and Penalties- Forfeiture, Seizure,
confiscation, etc., D.P.Code- 0853-00-800-AC-2997.

Cost working sheet for the minerals excavated from 01.04.2000 to 31.08.2018.				
G.O. No and date.	Taluk, Village, S.F.No. & Extent (in Hects)	Name of the Mineral	Permitted quantity (in M.T)	100% of Cost of the minerals (in Rs.)
G.O.Ms.No74, (MMDI) Dept. dated 11.03.1997.	Salem Tk, Chelichavadi Village, S.F.No. 6 (P) 531.75.0 Hects.	Magnesite	54396.79	72,473,501
		Total	54396.79	7,24,73,501

Rs.7,24,73,501/- (Rupees Seven Crores twenty four lakhs Seventy three thousand five hundred one only).

(Sd/- S.A.Raman.)
District Collector
Salem.

// True Copy/ By Order//

For Collector, Salem.

To:
Tvl. Dalmia Bharat Sugar and
Industries and Limited.
Salem-636 012.

RPAD
8/7/2020

Copy Submitted to the Director, Department of Geology and Mining,
Chennai -32.

BY SPEED POST

SL:MM:26140
Date:18-01-2020

81

FORM-E
[See rule 28(1) and 28(2)]
(Notice of temporary discontinuance of mine)

ANNEX-R9

To,
The Regional Controller of Mines,
Indian Bureau of Mines,
C-4 A, Rajaji Bhavan,
Besant Nagar,
Chennai - 600 090.

Dear Sir,

We are furnishing the following particulars in respect of temporary discontinuance of Chettichavadi Jaghir Magnesite & Dunite Mine of Dalmia Bharat Sugar & Industries Ltd, Salem-636 012 This temporary discontinuance is with effect from 27.01.2020.

1. IBM Registration Number:

IBM/4125/2011

2. Mining Lease Code:

63396101

3. Mine Code:

39TMN11004

4. Name of mine:

CHETTICHAVADI JAGHIR MAGNESITE & DUNITE MINES

5. Name and address of the lessee/owner:

Shri. Bharat Bhusan Mehta
B-9,6451,Vasanth Kunj
New Delhi-110003

6. Particulars of the Mining Lease (ML):

1. Name of the Lease: Chettichavadi Jaghir Magnesite and Dunite Mines
Dalmia Bharat Sugar and Industries Ltd
2. Area of the Mining Lease (Ha): 449.364 Ha
3. Name of the Mineral: Magnesite & Dunite

7. Location of the Mining Lease:

1. Village: Chettichavadi
2. Taluk: Salem
3. District: Salem
4. State: Tamil Nadu
5. Topo sheet No: 58/12
6. Latitude From: 11°43'13" To: N11°44'36"
7. Longitude From: 78°07'19" To: 78°09'13"
8. Nearest Railway Station: 6KM from Salem Railway Junction by Road

8. Date of temporary discontinuance 27.01.2020

9. Reasons for temporary discontinuance [Please tick whichever is applicable]

- i) Lack of demand
- ii) Non-availability of labour
- iii) Rains
- iv) Transport bottleneck
- v) Strike/Lockout
- vi) Operations becoming un-economic

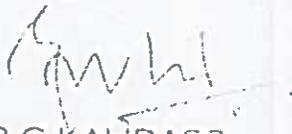
vii) Other reasons (specify) : For want of Environmental Clearance from Ministry of Environment, Forest & Climate Changes, New Delhi

10. Probable date of re-opening of the mine:

After Obtaining Environmental Clearance from Ministry of Environment, Forest & Climate Changes, New Delhi

Place: Salem
Date: 18.01.2020

Your's faithfully,
For Dalmia Bharat Sugar and Industries Ltd

Signature 
 Name in full: P.G.KALIDASS
 Designation: Agent & Mines Manager
 Chettichavadi Jaghir Magnesite &
 Dunite Mines

Please Note:

- 1 During the period of temporary discontinuance, deepening of pits in MT & C Blocks will be carried out as per the letter issued by the District Collector Salem under Ja Sakthi Abhyas Scheme of the Prime Minister (Copy of the letter issued by the Collector is enclosed)
- 2 In the entire A Block and part of B & C Blocks as marked by colour shade in the surface plan enclosed herewith, we will not be doing any mining operation till 31.03.2030. Only the works connected to the Progressive Mine Closure/ Final Mine Closure will be carried out till 31 03 2030.

Encl: 1.Letter issued by the District Collector-Salem ROC No-711/2019/Mineral-A dated. 01.08.2019

2. Surface Plan showing A Block, parts of B & C Blocks where no Mining operation will be carried out till 31.03.2030.

83

TETS/20
ANNEX R10

TAMILNADU POLLUTION CONTROL BOARD

Proceedings No. DLE/TNPCB/SLM/T.0006/2020, Dated: 04.05.2020

Subject: Issuance of notice under section 19 of the Environment (Protection) Act, 1986 to the unit of M/s. Dalmia Bharath Sugar and Industries Limited located at S.F.No. 6, Chettichavadi Village, Salem West Taluk, Salem District - Reg.

- Ref:
1. The Water (P&CP) Act 1974 as amended
 2. The Air (P&CP) Act 1981 as amended
 3. Board's Procs.No. 11 (3)/40025/87/T-21 Dated 23.06.1988
 4. Board's Procs.No. 11/A3/AR/40026/87/T-35A Dated 10.08.88
 5. The Deputy Director Mines Letter dated 11.12.2018

Tamil Nadu Pollution Control Board serves this notice on you as an occupier of the unit of M/s. Dalmia Bharath Sugar and Industries Limited located at S.F.No. 6, Chettichavadi Village, Salem District (herein after referred as "unit") for contravening the provisions of the Environment (Protection) Act, 1986 (herein after referred as "Act").

The unit has been issued with consent to operate of the Board vide reference 3rd and 4th cited above under the Water (Prevention and Control of Pollution) Act, 1974, as amended and the Air (Prevention and Control of Pollution) Act, 1981 as amended to mine 9500 T.M of Magnesite.

The unit has applied to the MoEF&CC to obtain Environmental Clearance since it has produced Dunite. In addition to that the Deputy Director, Mines has stated that the unit is producing Dunite vide letter dated 11.12.2018. Hence, it was ascertained from the records that the unit has mined the Magnesite and Dunite without obtaining Environmental Clearance under the EIA Notification 2006 for the mining of Dunite. Also, the unit has not obtained consent order for the production of Dunite under the Water (Prevention and Control of Pollution) Act, 1974, as amended and the Air (Prevention and Control of Pollution) Act, 1981 as amended. The unit has applied for Environmental Clearance for its expansion to the Ministry of Environment, Forest and Climate Change, New Delhi. While processing the application, the MoEF&CC has sought clarifications to furnish the detail of court case to be submitted in the revised Form I and to be presented before the committee.

Thereby you violated the provisions of above said Act which are offences punishable under Section 15 of the above said Act with imprisonment for a term which may extend to five years or with the fine which may extend to One Lakh Rupees or with both, and in case of failure or contravention continuous with additional fine which may extend to five thousand rupees for every day during which failure or contravention continuous after the conviction for the first such failure or contravention.

You are directed to furnish reply for the above violation within fifteen days from the date of receipt of this notice as to why penal action for offences punishable under Section 15 of the above said Act should not be initiated against you, as agent of the contravening the provision of the above said Act.

84

Pg 13 tick mark [unclear] [unclear]

It is informed that non-receipt of any reply within fifteen days from the date of the notice will be construed that you have no satisfactory explanation to offer for the above said contraventions and action will be taken on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.

V. R. [unclear] 24/10/20
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem.

To

1) Thiru. Gautham Dalmia
The Managing Director,
M/s. Dalmia Bharath Sugar and Industries Limited,
S.F. No. 6, Chettichavadi Village, Salem West
Taluk, Salem District.

2) Thiru P. G. Kalidas. ✓
Agent/Mines Manager,
M/s. [unclear] [unclear] Limited,
S.F. No. 6, Chettichavadi Village, Salem West
Taluk, Salem District.

1. Copy submitted to the Member Secretary, TNPCB, Chennai for favour of kind information please.
2. Copy submitted to the Joint Chief Environmental Engineer (M), TNPCB, Salem Zone for favour of kind information please.
3. File Copy



F.No.23-227/2018-IA.III(V)
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

2nd Floor, Prithvi Wing
Indira Paryavaran Bhavan
Jor Bagh Road, Aliganj,
New Delhi-110 003

Date: 5th February, 2021

To,
M/s Dalmia Bharat Sugar and Industries Limited
Village Panchayat Chettichavadi
Zilla Salem, Municipal Salem
Tamil Nadu 636 012

Subject: Chettichavadi Jagbir Magnesite and Dunite mines over an extent of 449.364 Ha located at Village Chettichavadi, Taluk Salem, District Salem, Tamil Nadu by M/s Dalmia Bharat Sugar and Industries Limited - Terms of References.

Sir,

This has reference to the online proposal No. IA/TN/MIN/73566/2018 for mining of Magnesite & Dunite of total excavation 1.4 million Tonne per annum (MTPA) [including 0.06 million tons of Magnesite, 0.12 million tons of Dunite, Waste, O.B, Inter Burden, Top Soil, etc.] from mining lease area 449.364 ha located at Village Chettichavadi Tehsil Salem, District Salem, State Tamilnadu by M/s. Dalmia Bharat Sugar And Industries Ltd.

2. The mining lease is located on Survey of India Toposheet no. 58 I/2. The area is bounded between the coordinates Latitude 11°43'09.8"N to 11°43'36.3"N and Longitude 78°07'23.2" E to 78°09'11.5" E. The said project/activity is covered under category A of item 1(a) of the Schedule to the EIA Notification, 2006 as amended, and requires prior EC from the MoEF&CC based on the appraisal by Expert Appraisal Committee.

3. Fresh Application was made online vide proposal no. IA/TN/MIN/73566/2018 dated 19- Mar-2018 under Violation category for Terms of References (TOR) in Terms of Provision of the Ministry's Notification S.O.804(E) and submitted FORM I and PFR.

4. Details of Minerals: Magnesite Major Mineral. Dunite Minor Mineral (Dunite was declared minor mineral vide Ministry of Mines Notification dated 10th February 2015, prior to that it was major mineral). Letter of Intent (LoI)/Mining Lease Details: G.O.MS.No.74 Industries MMDI Dept. dated 11.03.1997 vide and the lease deed was executed on 30th Mar 1998 for 20 years i.e. 20.08.1986 date and is valid till 19. 08. 2006.

5. Method of Mining & Mining Plan Details: The Mining Plan was approved by IBM vide LR No. TN/SLM/MMP/MG & DU-2055.MDS dated 01.05.2019. As per which the method of mining shall be Opencast Other than mechanized mine. Method of workings: After Deep-hole drilling and blasting are carried out, 2071 FEL and BH40 dumpers combination is deployed on blasted face for directly loading the blasted muck pile. The material is carried to the spoil bank where it is dumped on the spoil bank edge in a thin layer over a long stretch. Like this certain number of dumper loads are brought and spread on the spoil bank edges side by side. The workers are allowed to pick and collect the ore superficially visible. The collected ore is broken chipped, dressed and stacked. Once the visible ore is collected, dozer is given to spread the material across. Again the ore is collected and stacked. Thus the entire ore is collected without losing even the small jelly. Finally the left over waste spoil is dozed down the slope of the spoil bank and space is created for fresh

M/s Dalmia Bharat Sugar and Industries Limited, Tamil Nadu

Page 1 of 9

10/1/2021

dumping. Then the cycle is repeated. The small jelly visible on the spoil bank slopes is also collected and stacked at the toe of the spoil banks. The stacked ore is serially numbered and properly accounted. These stacks are sampled and analyzed. If the stacks analyze less than 6.2% SiO₂, they are directly transported to the plant. If the stacks analyze more than 6.2% SiO₂, they are subjected to re-cleaning by deploying manpower to bring down the silica content to less than 6.2% SiO₂ by further chipping of the impurities and sizing. The ore analyzing above 11% silica is termed as Mineral Reject. The loading and transporting of raw Magnesite stack is done by 1420 model BEML wheel loader and 10 tonner tippers combination.

6. Please provide the details of drilling & blasting, bench height and width, ultimate pit limited, ultimate pit slope, intersection of ground water table if any: Deep Hole Drilling is carried out with 100 mm dia Pneumatic drills. Wet drilling is carried out while doing pneumatic drilling. Sparingly Jack Hammer drilling is carried out on boulders. Deep hole Blasting is carried out using slurry explosives. Since the Magnesite are thin and fragile there is a need to avoid fragmentation and powdering to enhance recovery of Magnesite. Only slight heaving effect is given with minimum charge of explosives. Generally small blast are carried out with holes drilled in 2 rows only with 9-10 holes in each row. At a time we are blasting 18 to 20 holes on an average with hole depths raising from 6-8 mtrs. The Bench height in top development benches is maintained as 7-7.5 mtr. The bench width is maintained at 25 to 30 mtr for easy maneuverability of machines and for stacking Magnesite Minerals.

7. Ultimate Pit Limit: The Magnesite ore of all the three categories extend upto the depth of 320 mRL above MSL. For mining Magnesite ore of all the three categories mining operations shall be extended upto the depth of 320 mRL above MSL. Laterally, it is proposed to extend the ultimate pit limit beyond the ore, non-ore contact zone in the eastern part of the leasehold and the ultimate pit slopes will be on the barren pyroxenite. This is proposed with the intension of mining the entire mineralized area. The ultimate pit slope angle is taken as 45° from horizontal. The ultimate pit limits have been worked out.

8. The Ground Water Table in the western most part of the lease area (for the cross sections from E 2350 to E3500) is at 325 mRL above MSL. In the rest of the area, the Ground Water Table is at 335 mRL above MSL. So far our Mining operation has not intersected the ground water table.

9. No Crusher, Screen, beneficiation plant within the lease hold area. Plantation details: we are planting at least 2000 tree samplings per year and total number of plantation done so far is 60674. The total green belt area at present is 19.23 ha.

10. Project Cost & Employment:

Project	Cost of Project
Total capital cost	Rs.1964.81 Lakhs
Cost of production	Rs 3988.95 per tonne
Cost for implementing EMP	Rs.20 Lakhs

11. The EAC, after detailed deliberations in the present meeting (40th) on the proposal and additional information submitted and affidavit submitted, confirmed the instant case to be of violation of the EIA Notification, 2006 and in terms of the provision of Ministry Notification dated 14.03.2017 recommended for issuing Standard Term of Reference along with the specific Term of Reference to M/s.Dalmia Bharat Sugar & Industries Ltd for Mining of Magnesite & Dunite from Chettichavadi Jaghir Magnesite & Dunite Mines for total excavation 1.4 MTPA from mining lease area 449.364 ha for undertaking EIA study and preparation of Environmental Management Plan (EMP).

12. The matter was examined in the Ministry and the undersigned is directed to say that the Ministry of Environment Forest & Climate Change after accepting the recommendation of EAC, hereby decided to accord Specific & Standard Terms of References (ToR) as recommended by EAC (Violation) and in pursuant Ministry's O.M. No 3-50/2017-IA.III (Pt.) dated 30.05.2018, Z-11013/49/2018-IA.II(M) dated 18.06.2018 and 21-103/2015-IA.III dated 02.11.2018 for the above mentioned project. Accordingly, the Project Proponent is requested to prepare and submit Final EIA/EMP report based on the prescribed ToR which is as under:

A. Specific Terms of References

- (i) Ministry has issued 25.11.2020 issued a letter to the State Govt to take action against the proponent under section 19 of the E(P) Act 1986. Status of action taken by the State gov/SPCB u/s 19 of the E(P) Act shall be submitted.
- (ii) Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and industrial Research (CSIR) institution working in the field of environment.
- (iii) Preparation of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- (iv) The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter 13 in the EIA report by the accredited consultants.
- (v) Budget of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage shall be completed within three years and to be prepared accordingly.
- (vi) EIA/EMP report shall be prepared taking cognizance and impacts (Cumulative) of the adjacent mines leases, if any.
- (vii) In case of violation of undertaking by way of affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated, the ToR Clearance shall be liable to be terminated forthwith.
- (viii) One season fresh base line data shall be collected for preparation of EIA/EMP reports.
- (ix) The PP is required to conduct public hearing as per EIA notification, 2006 and as amended thereof.
- (x) The PP should also address the all the issues raised during the already held public hearing along with commitments made and with fund provision to address above issues in tabular form to be submitted along with EIA/EMP report.
- (xi) Detailed hydrological study to be carried out in core and buffer zone of the project as per GEC 2015 guidelines.
- (xii) The Action Plan on the compliance of the recommendations of the CAG as per Ministry's Circular No.J-11013/71/2016-IA.1 (M), dated 25.10.2017 needs to be submitted at the time of appraisal of the project and included in the EIA/EMP Report.
- (xiii) Details of benefit accrued during the violation period along with capital cost of the project are to be submitted.
- (xiv) Mine plan as approved by Indian Bureau of Mines to be submitted.
- (xv) ÓGMS permission is to be submitted for blasting at project site, if any.
- (xvi) As per Ministry's Notification dated 25th July, 2018 DSR shall be submitted with EIA/EMP report for minor mineral.
- (xvii) Details as per Annexure XI as mentioned in the agenda shall be submitted.
- (xviii) Valid Mine lease documents from the State department of mines be submitted with EC application
- (xix) Impact assessment of mining activity on the National park, WLS etc within 10 km of the study area shall be studied.

B. Standard Terms of References

- (1) Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994. The production details need to submit since inception of mine duly authenticated by Department of Mines & Geology, State Government.
- (2) A copy of the document in support of the fact that the Proponent is the rightful lessee of the mine should be given.

- (3) All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
- (4) All corner coordinates of the mine lease area, superimposed on a High-Resolution Imagery/toposheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).
- (5) Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
- (6) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
- (7) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/ deviation/ violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the proposed safeguard measures in each case should also be provided.
- (8) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
- (9) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
- (10) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
- (11) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.
- (12) A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.

- (13) Status of forestry clearance for the broken-up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.
- (14) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.
- (15) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.
- (16) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
- (17) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
- (18) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan along with budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
- (19) Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Dept. Should be secured and furnished to the effect that the proposed mining activities could be considered.
- (20) Similarly, for coastal Projects, A CRZ map duly authenticated by one of the authorized agencies demarcating LTL, HTL, CRZ area, location of the mine lease w.r.t CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority).
- (21) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need-based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.
- (22) One season (non-monsoon) [i.e. March - May (Summer Season); October - December (post

P. Koj...

monsoon season); December - February (winter season)] primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM₁₀, particularly for free silica, should be given.

- (23) Air quality modelling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modelling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
- (24) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
- (25) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
- (26) Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
- (27) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
- (28) Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
- (29) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be.
- (30) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and BGL. A schematic diagram may also be provided for the same.
- (31) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.

- (32) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
- (33) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
- (34) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.
- (35) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
- (36) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
- (37) Measures of socio-economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
- (38) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.
- (39) Public Hearing points raised, and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
- (40) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
- (41) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
- (42) A Disaster Management Plan shall be prepared and included in the EIA/EMP Report.
- (43) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
- (44) The activities and budget earmarked for Corporate Environmental Responsibility (CER) shall be as per Ministry's O.M.No 22-65/2017-IA.II(M) dated 01.05.2018 and the action plan on the activities proposed under CER shall be submitted at the time of appraisal of the project included in the EIA/EMP Report.
- (45) The Action Plan on the compliance of the recommendations of the CAG as per Ministry's Circular

hulcaj me

92

No.J-11013/71/2016-IA.I (M), dated 25.10.2017 needs to be submitted at the time of appraisal of the project and included in the EIA/EMP Report.

- (46) Compliance of the Ministry's Office Memorandum No.F.3-50/2017-IA.III(Pt.), dated 30.05.2018 on the judgment of Hon'ble Supreme Court, dated the 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India needs to be submitted and included in the EIA/EMP Report.
- (47) Besides the above, the below mentioned general points are also to be followed
- (a) All documents to be properly referenced with index and continuous page numbering.
 - (b) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.
 - (c) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.
 - (d) Where the documents provided are in a language other than English, an English translation should be provided.
 - (e) The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.
 - (f) While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF vide O.M. No. J-11013/41/2006-IA.II (I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.
 - (g) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.
 - (h) As per the circular no.J-11011/618/2010-IA.II (I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.
 - (i) The EIA report should also include (a) surface plan of the area indicating contours of main topographic features, drainage and mining area, (b) geological maps and sections and (c) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.
- (48) The prescribed ToR would be valid for a period of four years for submission of the EIA/EMP report, as per the O.M.No.J-11013/41/2006-IA.II(I) dated 22.03.2010, 22.08.2014, 08.10.2014, 07.11.2014 and Ministry's Notification S.O. 751(E) dated 17th February, 2020. The instant ToR is valid up to four years from the date of issue of ToR.
- (49) After preparing the draft EIA(as per the generic structure prescribed in Appendix-III of the public hearing conducted and take further necessary action for obtaining environmental clearance in accordance with the procedure prescribed under the EIA Notification, 2006.
- (50) This issued with the approval of the Competent Authority.

Yours faithfully,
Pankaj Verma
(Pankaj Verma)
Scientist E



Proposal Considered in next EAC meeting

1 message

<pankaj.verma@nic.in>
To: dalmiamagnesitemines@gmail.com
Cc: monitoring-ec@nic.in

Fri, 3 Dec 2021 at 12:11

Email alert to Proponent, It is to inform that the proposal with the details given below will be consider in the next EAC meeting dated(from 15/12/2021 to 15/12/2021)

1. Proposal No. : IA/TN/MIN/241375/2018
2. MoEFCC File No. : 23-227/2018-IA.III(V)
3. Category of the Proposal : Non-Coal Mining
4. Name of the proposal : Chettichavadi Jaghir Magnesite & Dunite Mines
5. Date of submission of EC : 29 Nov 2021
6. Name of the Project proponent along with contact details
 - a) Name of the proponent : DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
 - b) Mobile No. : 8072430915
 - c) State : Tamil Nadu
 - d) District : Salem
 - e) Pincode : 636012

Note: ***This is an automatically generated email, please do not reply***



94

ANNEX - R 13

Certificate No. 176 /2021

Dated: 17.11.2021

GOVERNMENT OF TAMIL NADU
WATER RESOURCES DEPARTMENT
STATE GROUND & SURFACE WATER RESOURCES DATA
CENTRE CHENNAI - 113
No Objection Certificate

This is to certify that "M/s. Dalmia Bharat Sugar & Industries Ltd., Chettichavadi Village, Suramangalam Firka, Salem Taluk, Salem District is hereby given the "No Objection Certificate" for the drawal of total quantity of 70,000 LPD (Seventy Thousand litres per day) of groundwater for "Domestic" purpose from the Ground water structure listed below with strict adherence to stipulated conditions.

Sl. No	Referred Well / Bore Well & SF. No	Village / Firka	Co-ordinates		Quantity Permitted for Pumping in LPD
			Latitude	Longitude	
1.	Bore well 6	Chettichavadi / Suramangalam	11°43'49.15"N	78°08'27.53"E	70,000

This No Objection Certificate now issued is valid only for one year from the date of issue and the NOC is accorded under the conditions laid down over leaf.


Chief Engineer (SG & SWRDC),
PWD, Tharamani, Chennai-113
17/11/21

95



GOVERNMENT OF TAMIL NADU
WATER RESOURCE DEPARTMENT
PUBLIC WORKS DEPARTMENT

From:
Er. S.Prabakaran, B.E.,
Chief Engineer, WRD,
State Ground & Surface Water
Resources Data Centre
Public Works Department
Tharamani, Chennai 600 113.
Phone : 91-44-22542223 (Direct)
91-44-22541526/27(Board)
Email: ceqwchennai@gmail.com
Web site: www.groundwatertnpwd.org

To:
M/s. Dalmia Bharat Sugar &
Industries Ltd.,
Karuppur Post,
Salem – 636 012.

Lr.No.OT8/AG-2/176/NOC/Salem/2021 dated:17.11.2021.

Sir,

Sub: "No Objection Certificate" for drawal of ground water to
"M/s. Dalmia Bharat Sugar & Industries Ltd., Chettichavadi Village,
Suramangalam Firka, Salem Taluk, Salem District - Groundwater
Drawal- Domestic Purpose - NOC Issued-Reg.

Ref: 1.The industry NOC application Dated:22.09.2021
2. EE,GWD,SLM,
Lr.No:152s/AGP/DDPC/GWD/SLM/Fresh NOC/2021/Dt:26.10.2021

Please find the enclosed "No Objection Certificate", for drawal of groundwater to
"M/s. Dalmia Bharat Sugar & Industries Ltd., Chettichavadi Village, Suramangalam
Firka, Salem Taluk, Salem District. You are requested to strictly adhere to the
quantity permitted and conditions mentioned in the certificate and apply for renewal
of NOC before two month from the date of expiry, i.e., 16.11.2022 without fail.

Enclosure:

1. No Objection Certificate& Conditions


Chief Engineer (SG&SWRDC)
PWD, Tharamani, Chennai-113.
17/11/21

Conditions pertaining to M/s. Dalmia Bharat Sugar & Industries Ltd., Salem District

- 1 This No Objection certificate issued for ground water extraction applies to the referred ground water abstraction structure only.
- 2 All the other ground water abstraction structures (dug wells/bore wells/dug-cum bore wells) other than the permitted one inside the plant area should not be considered for this permission.
- 3 Such structures as said in Condition No.2 should be closed or used only for Rain water harvesting purposes.
- 4 This Certificate is applicable for drawal of permitted Quantity of ground water only and not for transportation.
- 5 The flow meter should be fixed in the suction tube near to bore well during the time of extraction. Failure fitting flow meter / Absence of flow meter in the abstraction well during the time of extraction will leads to cancellation of NOC issued.
- 6 The Company should install necessary "flow meters" to the referred well /bore well and monitor the quantity which should not exceed the permitted level. Proper Records should be maintained continuously from the date of drawal. Monthly statement of daily drawal of water should be sent to the Executive Engineer, Groundwater Division, Salem as per format enclosed.
- 7 As and when the officials of Ground Water Wing of PWD inspect the site/premises, perusal of drawal records and water quality observations should be allowed.
- 8 Rain water harvesting structure is to be established as per the direction of this department. Rain water harvesting structures already exist inside the plant premises, it should be maintained properly.
- 9 Violation of the above stipulations in any form may lead to cancellation of the permission accorded by the Government.
- 10 The Company should be ready to pay the levy/charges for drawal of ground water for commercial purposes, if Government / Ground Water Authority imposes any such orders in future.
- 11 The company has to drill one new bore well within the extraction well located premises for monitoring water level and observing water quality within 30 days from the date of issue of NOC. The bore well should have been constructed with platform and locking arrangements (in full shape). If any bore well already existing and unused within the premises of the plant the same may also be utilized for the purpose.
- 12 It is also informed that during the renewal of the NOC, depending upon the hydrogeological condition the category of the area and the site conditions, the quantity will be vary from permitted quantity. The company should make alternate arrangements for the reducing quantity for sustaining their industrial activity by means of availing water through local bodies/by desalinization of sea water /or using the urban waste water after proper treatment
- 13 The company should pay security deposit of Rs. 50,000/-, as ordered in respect of Judgement delivered in WP No. 16299/2018.dated,23.03.2020, if found necessary at a later date.
- 14 The Missing Documents Should be submitted within 90 days from the receipt of No Objection Certificate . otherwise issued No Objection Certificate will be cancelled without prior information.
- 15 This NOC is issued only for the usage for domestic purpose. The extracted water should not be used for either industrial or commercial purpose. If it is found to be used for commercial or industrial purpose, the issued NOC will be cancelled without prior notification.
- 16 This No Objection Certificate is applicable only for the purpose of "Domestic", if any deviation in the usage of ground water is found, the NOC accorded is automatically deemed to be cancelled.
- 17 The Executive Engineer, Ground Water Division/ The Assistant Director (G), Groundwater Sub Division/The Assistant Geologist of the respective District would inspect either the rain water harvesting structures established in the premises of the firm or the records maintained or even the drawal of ground water as and when needed and it is the mandatory of the firm to maintain the Rain water harvesting structure/ structures properly and show the records needed.
- 18 If any information / Documents submitted by this firm is found to false / in correct or any data provided by the firm is found to be incorrect, the NOC issued to the firm will be cancelled by this department without any prior notice.


 Chief Engineer, (SG&SWRDC),
 PWD, Tharamani, Chennai- 113.
 17/11/21

Tamilnadu Forest Department

97

From

Thiru.K.Chinnathambi,
Forest Range Officer,
Shevroys South Range,
Salem-7.

To

M/S Dalmia Magnesite Corporation,
Salem.

C.No. 598/ 2021, dated: 24.09.2021

Sir,

Sub : Description of Flora & Fauna around Chettichavadi Jaghir Magnesite Mines for the zone area of 10Kms all around the periphery of the core Zone.

Ref : 1. Your Letter Ref No.SL.MM:26923 dated: 20.01.2006

2. District Forest Officer, Salem Division, Salem. C.No.598/2006, D1,
Dated: 20.01.2006

With reference to your letter cited above, I furnish the details as follows.

1. A.Flora:-

1. Natural vegetation / Forest type:

The details in respect of Kurumbapatti and Nagaramalai R.F i.e., the core zone area is enclosed separately.

- | | | |
|-----------------------|---|-------------------------|
| 2. Grass Land | : | Nil |
| 3. Endangered Species | : | Vernonia Shevaroyansis. |
| 4. Endemic Species | : | Vernonia Shevaroyansis. |

B.Fauna:-

1. Total listing of faunal elements:

The details in respect of Kurumbapatti and Nagaramalai R.F i.e., the core zone area is enclosed separately.

- | | | |
|--|---|-----|
| 2. Endangered Species | : | Nil |
| 3. Endemic Species | : | Nil |
| 4. Migratory Species | : | Nil |
| 5. Details of aquatic fauna, if applicable | : | Nil |

I also like to inform you that the sound pollution due to blasting in mining area, vehicle movement and workers movement etc., are disturbing the natural living system of flora and fauna.

K. Chinnathambi
Forest Range Officer
Shevaroyas South Range
Salem-7.

Copy submitted to the District Forest Officer, Salem division, Salem for favour of kind information.

TYPE OF FOREST

Southern Tropical dry Mixed deciduous forest (A/C3)

THE FLORISTIC COMPOSITION

- I. Albizzia amara, Anogeissus latifolia, Acacia leucophoea, Acacia sundra, Adina cardifolia, Azadiracta Indica, Albizzia lebbek, Albizzia odoratissima, Ailanthus monosperma, Chloroxy swietenia, Cassia fistula, Commiphora caudata, Canthium dicoccum, Cochlospermum religiosum, Chukrasia velutia, Dalbergia paniculata, Dalbergia latifolia, Dalichanrone atrovirens, Eleodendron galucum, Elae carpus oblongus, Ficus bengalensis, glomerata, Firmjana celorata, Feronia elephantum Gyrocerpus jacquini, Givestia rottceriforn Gmelina arborea, Grewia tiliaefolia, Garuga pinnata, Hardwickia binata, Holoptelea integrifca. Hymenodictyon excelsum, Lannes coromandelica, Melia composite, Strychra potatorum, Strychnos nuxvomica, Sterculia guttata, Stereospermum sauveelens, oleosa, Stamalia malabarica, Sterculia urens, Soymida febrifuga Syzigiumm cumini, pinnata, Shorea talura, Tamarindus indica, Terminalia ballerica, Terminalia panicula, Terminalia chebula, Termnala tomentosa, Tectona grandia, Terminalia coracea, Wrightia tirtora,
- II. Alanguim salvifolium, Atlantia monophylla, Allophyus serratus, Antidesma diandrum, Bridelia retusa, Buchannaia lanzan, Cleistanthur collinus, Clausena will deno Cipadessa baccifera, Cordia dichotomo, Cassia siamea, Careya arborea, Crataeva uniloculate Citrus medica, Ceesaria tomentosa, Celticinnamonea, Cycas circinalis, Disophyros melanoxyle Dolichandrone falcate, Drypetes sepiaria, Emblica officianalis, Erythroxyion monogynus Euphorbia nivulia, Ehretia laevis, Ficus tomentosa, Ficus gibbosa Gardnia latifola Gymnosporia spinosa, Grewia disperm, Clochidion zeylancium, Gelonium lanceolatum, thusa crenulata, Holarrhena antidysenterioa, Heynetrijuga Ixora arborea, Ilea dioica, Lineciera ramiflora, Mallottus philipinensis, Murraya koenigi, Morinda citrifolia perrottettiana Ochna squarosa, Pleurostyli, lightil Polyalthia cerasioides, Sanlum Streblus asper, Semecarpus anacardium, Schindus emarginates, Scoolpia cfenata, Trema orientalis, Wrightia tomentosa, Wendlandia notowiana, Zizphus mauritiana Zizypt Zylopyrus, Zeylanicum Sps.

- III. *Acalypha Fruticosa*, *Adathoda Vasica*, *Calotropis gigante*, *Clerodendron serratum*, *Dodonea Viscos*, *Desomdium Spp*, *Flemingia Bracteata*, *Gymnospor emarginatus*, *Glycosmis cochinchinensis*, *Gmelina Asiatic*, *Grewia aspera*, *Helicteres Isora*, *Indigofera Pulchell*, *Lantana aculeate*, *Maba buxifolia*, *Minosh Rubicaul*, *Melanthesia Rhamnoides*, *Pavetta Indica*, *Phyllanth Polyphyllus*, *Rhus Mysorensis*, *Randia Dumetorum*, *Ried Floribunda*, *Solanum Indicum*, *Solanum Torvum*, *Secunega virosa*, *Strobilanthes*, *Tarenna Asiatica*.
- IV. *Briophotum sp.*, *Barieria cristata*, *Cassia tora*, *Cassia occidentalis*, *Crotolaria Spp.*, *Cynotis commlina*, *Desmodium triflorum*, *Eulvulus alsinoides*, *Euphobia cristata*, *Grewia Hirsuta* *Hibiscus micranthus*, *Indigofera Spp.*, *Justicia spp.*, *Knoxia mollis*, *Oxalis cornicula*, *Phyllanthus simplex*, *Polygonum chinesis*, *Sida acuta*, *Scoparia dulcis*, *Striga euphrasioides*, *Vicoa indica*.
- V. *B.Aristida depressa*, *Apluda mutica*, *Cynod dactylon*, *Chrysopogon fulvus*, *Cenchrus ciliaris* *Dtaria marginata*, *Dicanthium annulatum*, *Eragrostris*, *Heteropogon contortus*, *Imperata cylindrical*, *Themeda eriandra*.
- VI. *Argyreia involucrate*, *Acacia canescens*, *Asparagus racemosus*, *Butea paviflora*, *cacopteris floribunda*, *Clematis gouriana*, *Dioscorea Spp.*, *Gymnema sylvestre*, *Gloriosa superb*, *Hungonia mystax*, *Hiptage bengalensis*, *Ichnocarpus frucens*, *Ipomsa hedercea*, *Jasminum Spp.* *Marsdenia V bilis*, *Pterolobium indicum*, *Phyllanthus lawi*, *Quaclict phoenice*, *Secamone emetic* *Smila Spp.*, *Tinosp cordiafolia*, *Toddalia asiatica*, *Thunbergia fragrans*, *Zizphus oenoplia*.

Forest Range Officer,
Shevroys South Range
Salem.7

FAUNA:

S.No	Common Name (1)	Zoological Name (2)
1.	Ashy Swallo Shrike	Artamus Fuscus
2.	Ashy Wren Wabblers	Prinia Socialis
3.	Baby Beaked Shrike	Lanius Vittatus
4.	Black Drongo	Dicurus Adsimilis
5.	Black Winged Kite	Elanus Caerulus
6.	Blossom Headed Parakeet	Psittacula Cynacephala
7.	Blue Pigeon	Columba Livia
8.	Blue Jay	Coracias Bengalensis
9.	Black Headed Oreole	Oriolus Xanthornus
10.	Common Weaver Bird	Ploceus Phillippinus
11.	Common Bustard Quail	Turnix Suscinator
12.	Crested Serpent Eagle	Spilansis Cheela
13.	Chest Nut Headed Bee Eater	Merops Leschenaulti
14.	Crown Pheasant	Centropus Sinesis
15.	Cuckoo Shrike	Corcina Melanoptera
16.	Chest Nut Bellied Nuthatch	Sitta Castanea
17.	Common Mynah	Artamides Tristis
18.	Common Hawk	Cuculus Varius
19.	Cattle Egret	Ardeola Ibis
20.	Common Peafowl	Pavo Cristatus
21.	Common King Fisher	Alcedo Atthis
22.	Emerald Dove	Chalcophaps Indica
23.	Finch Lark	Eremopteryx Grisea
24.	Fantail Fly Catcher	Rhipidura Aureola
25.	Fairy Blue Bird	Irena Pulla
26.	Grey Babbler	Turdoides Malcolmii
27.	Grey Wag Tail	Motacilla Caspica
28.	Grey Jungle Fowl	Gallus Sonnerati

S.No	Common Name (1)	Zoological Name (2)
29.	Great Owl	Bubo Bubo
30.	Grey Tit	Parus Major
31.	Gold Mantled Chloropsis	Chloropsis Cochin Chinesis
32.	Grey Oronge	Dicrurus Leucophaeus
33.	Grey Partridge	Francollinus Pondicranus
34.	Golden Backed Wood Pecker	Dioopium Benghalense
35.	Harriers Circus	Aerunginosus
36.	House Sparrow	Passer Domesticus
37.	Indian Moorhen	Gallinula Chloropus
38.	Indian Robin	Futicatta Saxicoloides
39.	Indian Nightjar	Caprimul Gus Asiaicus
40.	Jungle Babbier	Turodoides Striatus
41.	Jungle Mynah	Acridotheres Fuscus
42.	Jerdons Chloropsis	Jerdoni
43.	Jungle Crow	Corvus Macrorynchos
44.	Koel	Budynamys Scolopaccea
45.	Kestrel	Falco Tinnunculus
46.	Large Green Barbet	Mesalaiaama Zeyanica
47.	Laggar Falcon	Falco Biarmicus Jugger
48.	Munia	Lonchura Spp
49.	Orange Minivets	Pericrocotus Fammeus
50.	Pied Buschat	Saxicola Caprata
51.	Pied Wagtail	Motacilla Maderasptensis
52.	Pitta	Pitta Brachyura
53.	Paradise Fly Catcher	Terpsi Phone Paradise
54.	Paraiah Kite	Milvus Migrans
55.	Pintail Duck	Anas Acuta
56.	Pheasant Tailed Jacana	Hydro Phasianus Chiruurgus

102

S.No	Common Name (1)	Zoological Name (2)
57.	Redevented Bul Bul	Pycononotus Cafer
58.	Refous Backed Shrike	Shrike Lanius Sachach
59.	Red Turtle Dove	Strepto Pella Tranquebarica
60.	Red Start	Phuenicurus Phoenicurus
61.	Rose Ringed Parakeet	Psittacula Krameri
62.	Skylarks	Alauda Gulgula
63.	Stone Curlew	Burhinus Oedicne Mus
64.	Spur Fowl	Gallo Per Dix Spadicea
65.	Scimitar Babbler	Porma Torhinus Schistice Ps
66.	Stone Pied Bush	Saxzicolh Tarquata
67.	Snake Bird	Anhinghrufa
68.	Screech Owl	Tyto Alba
69.	Tailor Bird	Orthotomus Sutorivs
70.	Tree Pie	Dendrocitta Vagabunda
71.	Tickell's Flower Pecker	Dicaeum Ery Throrhynchos
72.	White Brownd Bul Bul	Psyconotus Luteolus
73.	White Wagtail	Motocilla Alba
74.	White Eyed Buzzard	Butastur Teesa
75.	Wood Shrike	Tephrodornis Pondi-Cerianus
76.	Whistling Thrush	Myio Phoneus Horse Fieldii
77.	White Scavenger Vulture	Neophron Percnopterus

Forest Range Officer,
Shevroys South Range
Salem.7

FAUNA

Leopard

- Felis bengalensis

Jungle Cat

- Felis Chaus

Sloth Bear

- Melursus Ursinus

Gaur

- Bos Gaurus.

Spotted Deer

- Axis Axis.

Barking Deer

- Muntiacus Muntjak

Mouse Deer

- Tragulus Meminna.

Jackal

- Canis Aureus

Bonnet- Monkey

- Macaca Radiada

Fruit Bat

- Cynopterus Sphinx

Porcupine

- Hytix Indica

Hare (Black Naped)

Mongoose

- Herpertes

Wild Bore

- Suscropfa

Reptiles:

Keeled Viper

- Echis Carinata

Russels Viper

- Vipera Russelli

Cobra

- Naja Species

Python

- Python Molurus.

W. P. Singh
Forest Range Officer,
Shevroys South Range
Salem.7

O.A. No. 213 of 2021 - S.Sakthivel Vs. Secretary, MoEF and 5 others - National Green Tribunal, Chennai

Nataraj Rao Raghu & Sundaram Advocates <nrrandschennai@gmail.com>

Tue, Feb 1, 2022 at 6:29 PM

To: vivek.adv.tharai@gmail.com, secy-moef@nic.in, cgmchennai32@gmail.com, geomine@nic.in, collrslm@nic.in, deetnpcbslm@gmail.com, cgwa@nic.in, mail@ardhendumauli.com

Sirs/Madam,

We act for the 6th Respondent in the Subject O.A.

Please find attached, a scanned copy of the paper book filed on behalf of our client, containing the Reply Statement of the 6th Respondent and other annexures.
Kindly Acknowledge Receipt.

Yours faithfully

T.Poornam

Counsel for the 6th Respondent

--

Nataraj, Rao, Raghu & Sundaram
Advocates
"Haji S.Madharsha & Sons Building"
5th Floor, No.148 (Old No.44),
Second Line Beach,
Chennai – 600 001
Ph: 25341718/25342012
E-mail: nrrandschennai@gmail.com

--Disclaimer-- This email and any files transmitted with it are confidential and intended solely for the use of the entity to which they are addressed. If you are not the intended recipient and have received it by mistake or learn about it in any other way, please notify us by return e-mail and delete this message from your computer system. Any unauthorized use, reproduction, alteration, filing or sending of this message and/or any attached files to third parties may lead to legal proceedings being taken. . The sender does not guarantee the integrity, speed or safety of this message, or manipulation carried out by third parties. NRR&S accepts no liability on this account. Mails may be stored for monitoring and review

**O.A. No. 213 of 2021 - NGT - TYPED SET OF 6TH RESPONDENT.pdf**

5278K