

**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

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Dated at Chennai on this the 15<sup>th</sup> May, 2022.

FILED BY

*V. S. Rishwanth*

M/s. S.Raghunathan

T.Poornam

Sharanya Vaidhyanathan

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**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, 2<sup>nd</sup> 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

**CHRONOLOGY OF EVENTS FILED ON BEHALF OF**  
**THE SIXTH RESPONDENT**

The Sixth Respondent above named submits as follows:

1. It is respectfully submitted that this Hon'ble National Green Tribunal had on April 25, 2022 permitted the 6<sup>th</sup> Respondent herein (hereinafter "**Answering Respondent**"), to submit a synopsis and dates of events, after perusing the supporting documents to be furnished thereof by the other Respondents to the Answering Respondent and also permitted the State Government to file the report of the District Collector in this regard. As on date, the other Respondents have not furnished relevant documents to the Answering Respondent. The present note on chronological events is therefore now being filed before this Hon'ble Tribunal.
  
2. It is relevant to bring to the notice of this Hon'ble National Green Tribunal that letters dated 10.03.2022 and 28.04.2022 were sent by the 2<sup>nd</sup> Respondent to this Answering Respondent seeking details of production quantity, royalty remittance and transport permits issued to the Answering Respondent. The Answering Respondent has issued replies dated 19.03.2022 and 06.05.2022 in response thereto. In any event, the issues and allegations now sought to be raised by the 2<sup>nd</sup> Respondent are not only baseless and contrary to the records, but are also beyond the scope of the present Application.

### Chronology of Events

S.No	Dates	Events
1.	25 <sup>th</sup> Feb 1966 G.O.MS.No.903	State Govt. of Tamil Nadu granted a mining lease in favor of Answering Respondent for mining of Magnesite.
2.	26 <sup>th</sup> June 1976 G.O.MS.No.801	Another Mining Lease was granted over the same area of land in favor of Answering Respondent for mining of Dunite for a period of 10 years.
3.	27 <sup>th</sup> Jan 1994	Environment Impact Assessment Notification 1994 came into force introducing requirement of Environment Clearance (EC) for industrial projects.
4.	11 <sup>th</sup> March 1997 G.O.MS.No.74/ 30 <sup>th</sup> March 1998	Order by the Government of Tamil Nadu sanctioning the first renewal of mining lease. Lease Deed between the Government of Tamil Nadu and Answering Respondent was executed for a period of 20 years from 20.08.1986 to 19.08.2006 for mining Magnesite and Dunite minerals over the extent of 1314 acres(531.98 hectares). It is important to note that “both magnesite and Dunite occur together” ( <i>Typeset of Documents – Volume III – filed on 21.04.2022 - Annexure R21 @ Page 47 to 50 @ Paragraph 3 and 4</i> )
5.	28 <sup>th</sup> Oct, 2004	Environment Impact Assessment Notification 1994 was amended to include requirement of Environment Clearance (EC) at the time of renewal of mining lease (ML) in wake of Hon’ble Supreme Court Judgment dated 18 <sup>th</sup> March, 2004

		<i>M.C. Mehta vs UOI &amp; Ors</i> in (W.P. 4677/1985). (2004) 12 SCC 118
6.	11 <sup>th</sup> July 2005	Answering Respondent applied for the second renewal of aforesaid ML. The ML was due for renewal on 20 <sup>th</sup> August 2006. ( <i>Typeset of Documents – Volume I – filed on 01.02.2022 - Annexure R1 @ Page 48</i> )
7.	01.09.2005	The Mining Plan of Dalmia was approved by Indian Bureau of Mines, Bangalore.
8.	05.01.2006	Mine Closure Plan over an area of 82.616 hectares ( <u>for part lease area surrendered</u> ) was approved by the Controller of Mines (South Zone) Indian Bureau of Mines
9.	9 <sup>th</sup> Feb 2006	Answering Respondent moved application for EC before Respondent No. 1 through the Secretary, Industries Department, and Government of Tamil Nadu, as per the prescribed procedure at the relevant time. ( <i>Typeset of Documents – Volume I – filed on 01.02.2022 - Annexure R2 @ Page 62</i> )
10.	17 <sup>th</sup> Aug 2006	In the Writ Petition No. 25518 of 2006, filed by Answering Respondent, Hon'ble High Court of Madras granted an interim injunction in favor of Answering Respondent to operate the said mining lease. The said order dated 17 <sup>th</sup> August, 2006 still continues to be in force. ( <i>Typeset of Documents – Volume I – filed on 01.02.2022 - Annexure R3 - @ Page 64</i> )

11.	14 <sup>th</sup> Sep 2006	New EIA notification issued by Respondent No. 1 without prescribing any requirement of EC at the time of renewal of ML. ( <i>Petitioner's Typeset – Annexure A1 @ Page 21</i> )
12.	July 2010	The application for Environmental Clearance as filed by the Answering Respondent on 09.02.2006, was not processed by the authorities concerned for the period of 4 (four) years and it was returned by the Government of Tamil Nadu for submission to MoEF.
13.	17 <sup>th</sup> Aug 2010 / 12 <sup>th</sup> Oct 2011 /10 <sup>th</sup> Jan 2012	Answering Respondent fled / refiled its application for grant of EC to Respondent No. 1. The EC application was kept pending for want of credible action for mining without EC post August 2006. ( <i>Typeset of Documents – Volume I – filed on 01.02.2022 - Annexure R3 - @ Page 68-70 &amp; @ 71 to 73</i> )
14.	7 <sup>th</sup> Sep 2010	Name of Answering Respondent was changed from Dalmia Cement (Bharat) Ltd to Dalmia Bharat Sugar And Industries Ltd. Registrar of Companies issued relevant certificates. ( <i>Annexure 'A' to Reply in I. A. No. 78 of 2022 – Impleading application</i> )  <b>(Taken on record by Govt of Tamil Nadu on 19.12.2011 – Volume III of typeset of documents filed on 21.04.2022 @ page 65).</b>

15.	6 <sup>th</sup> December 2010	MOEF directed Answering Respondent to resubmit Application as per EIA 2006.
16.	4 <sup>th</sup> April 2011	EIA notification of 14 <sup>th</sup> Sep 2006 was amended to include requirement of EC at the time of ML renewal. <b>Stipulation as to EC in case of renewal of mining lease introduced for the first time.</b> <i>(Typeset of Documents – Volume III – filed on 21.04.2022 - Annexure R24 @ Page 95)</i>
17.	12 <sup>th</sup> October 2011	Answering Respondent submitted E.C. to MOEF.
18.	28 <sup>th</sup> Nov 2014	In W P No. 2364/2014, in the matter of Hindustan Copper v Union of India, reported in 2014 (307) ELT 662 (JHAR), the Hon'ble Jharkhand High Court observed that grant of EC and action for violation of EC norm are independent of each other and grant of EC cannot be withheld for want of action for violation of EC
19.	12 <sup>th</sup> Jan 2015	MMDR Amendment Act 2015 came into effect, prescribing amongst others, deemed extensions of exiting mining leases up-to 31 <sup>st</sup> March 2030 ( Sec 8A (5) of MMDR 1957)
20.	10 <sup>th</sup> Feb. 2015	Dunite was declared as a minor mineral, <i>vide</i> Notification S.O. 423E issued by Ministry of Mines, Govt. of India.
21.	4 <sup>th</sup> April 2016	Supreme Court in the matter Common Cause (W.P. No. 114/2014, order dated 4 <sup>th</sup> April 2012) while clarifying scope of Sec 8A (5) of MMDR 1957 that If the renewal of ML are pending when



24.	20 <sup>th</sup> June 2017	The Ministry of Environment vide its letter dated 20 <sup>th</sup> , June 2017 had again taken up issue on the EC application of Salem Mines, treating it as a violation case.
25.	2 <sup>nd</sup> August 2017	Supreme Court in the matter of <i>Common Cause v Union of India</i> reported in (2017) 9 SCC 499, imposed penalty equal to 100% of price of the mineral extracted during such illegal mining and F.Y. 2000-2001 was prescribed as base year to calculate such penalty.
26.	19 <sup>th</sup> March 2018	Answering Respondent submitted revised application for EC to MoEF ( <i>Typeset of Documents – Volume I – filed on 01.02.2022 - Annexure R6 - @ Page 74</i> )
27.	30 <sup>th</sup> May 2018	MOEF issued Office Memorandum that all the Project Proponents under Violation Category shall submit an undertaking – <i>to not repeat such violation in future</i>
28.	11 <sup>th</sup> December 2018	Letter issued by Respondent No.2 (Department of Geology & Mining ) to Dalmia confirming the production details from 1979-1980 to 2018 -2019 as per pit mouth register, pursuant to Dalmia's request to furnish the same ( <i>Typeset of Documents – Volume III – filed on 21.04.2022 - Annexure R19 @ Page 31</i> )
29.	18 <sup>th</sup> June, 2019	District Collector directed Answering Respondent, to pay compensation of INR 11.44 Crores

		(approx.), without any show cause or hearing, for the Dunit cleared during the period 1 <sup>st</sup> April, 2000 to 31 <sup>st</sup> March, 2018 on the alleged ground of mining without EC, on the basis of Common Cause Judgement (W.P. NO. 114/2014, orders dated 2 <sup>nd</sup> Aug 2017). ( <i>Typeset of Documents – Volume I – filed on 01.02.2022 - Annexure R7 - @ Page 75</i> )
30.	2018 -2020	EAC (Expert Appraisal Committee) meetings held for grant of TOR directing amongst others (a) to produce valid mining lease documents regarding subsistence /extension of lease up to March 2030 (b) Affidavit to comply with the directions of Supreme Court in the matter of Common Cause .
31.	12 <sup>th</sup> July 2019	Answering Respondent submitted letter to Department of Mining & Geology (DMG), seeking letter of intent for extension of ML till March 2030
32.	Jan 2020	Answering Respondent filed W.P No. 889 /2020 before Madras H.C. to quash demand of INR 11.44 Crore , raised by District Collector, Salem , vide orders dated 18 <sup>th</sup> June 2019
33.	Jan 2020	Answering Respondent filed W.P No. 894 /2020 before Madras H.C. to seek declaration for deemed extension of Mining lease in view of Sec 8 (A) (5) of MMDR Act
34.	18 <sup>th</sup> Jan 2020	Notice of Temporary Discontinuation of mining operations was sent to DMG notifying discontinuation from 27 <sup>th</sup> Jan 2020, due to pendency of grant of EC. ( <i>Typeset of Documents –</i>

		<i>Volume I – filed on 01.02.2022 - Annexure R9 - @ Page 81)</i>
35.	4 <sup>th</sup> May 2020	Show Cause Notice by TNPBC by 4 <sup>th</sup> Respondent U/s 19 of Environment Protection Act for carrying out mining without EC during the period of deemed renewal. ANSWERING RESPONDENT has filed its reply dated 6 <sup>th</sup> July 2020. Notice is pending for disposal ( <i>Typeset of Documents – Volume I – filed on 01.02.2022 - Annexure R10 - @ Page 83)</i> )
36.	12 <sup>th</sup> June 2020	Common Order passed by the Principal Bench of the Hon'ble High Court of Madras in W.P. No. 889 and 894 of 2020, along with a batch of Writ Petitions challenging demand based on <i>Common Cause</i> judgement. Writ Petitions dismissed with costs
37.	8 <sup>th</sup> July 2020	District Collector, Salem-636001, to pay compensation of INR 7.24 Crores (approx.), without any show cause or hearing, for the Magnesite cleared during the period 1 <sup>st</sup> April, 2000 to 31 <sup>st</sup> March, 2018 without any show cause notice and/or opportunity of hearing on the basis of Common Cause Judgement (W.P. NO. 114/2014, orders dated 2 <sup>nd</sup> Aug 2017). Interim reply filed. ( <i>Typeset of Documents – Volume I – filed on 01.02.2022 - Annexure R8 - @ Page 78)</i> )
38.	19 <sup>th</sup> August 2020	Madurai Bench of Madras High Court in a different batch of petitions (W.P (MD ) No.

		24463of 2018 & Ors,) in respect of demand of compensation for mining without EC and it has taken a contrary view that such demands cannot be imposed without Show Cause / opportunity of hearing and has referred the matter to a larger Bench.
39.	August 2020	Answering Respondent filed WA No. 834 -835 of 2020 against orders dated 12 <sup>th</sup> June 2020. The Writ Appeals are pending before the Division Bench.
40.	31 Dec 2020	EAC (Expert Appraisal Committee) meeting for grant of TOR. Standard TOR recommended during meeting itself.
41.	5 <sup>th</sup> Feb 2021	<p>MOEF issued letter granting TOR, directing Answering Respondent amongst others to produce:</p> <p>(a) valid mining lease documents regarding subsistence /extension of lease up to March 2030 (Condition <b>(xviii) of ToR</b> – relates to submission of mining lease document)</p> <p>(b) Affidavit to comply with the directions of Supreme Court as per judgement in Common Cause matter.</p> <p><i>(Typeset of Documents – Volume I – filed on 01.02.2022 - Annexure R11 - @ Page 85)</i></p>
42.	14 <sup>th</sup> July 2021	Answering Respondent filed application U/r 20 of MCR 2016 seeking extension of period of temporary discontinuation for period exceeding two years

		It is learnt that DC, Salem has recommended grant of extension but final disposal is pending at Secretariat level.
43.	03 <sup>rd</sup> September, 2021	Public hearing conducted by Dalmia and MoEF. Applicant also participated in the said hearing.
44.	Oct 2021	NGT Application filed by the Applicant raising issues which are also the subject matter of the Writ Appeals, pending before the Hon'ble High Court.
45.	29 <sup>th</sup> Nov 2021	In pursuance of TOR, Answering Respondent filed its Environment Management Plan before Expert Appraisal Committee (EAC) of Respondent No 1
46.	15 <sup>th</sup> Dec 2021	43 <sup>rd</sup> EAC Meeting of MoEF conducted meeting from 14 <sup>th</sup> to 16 <sup>th</sup> December 2021 for consideration of EC applications, including that of Dalmia's. The project proponent was directed to comply with <b>condition (xviii) of ToR dated 05.02.2021</b> i.e. submission of mining lease documents and evidence that the mining lease has not lapsed. <i>(Typeset of Documents – Volume III – filed on 21.04.2022 - Annexure R20 @ Page 34)</i>
47.	11 <sup>th</sup> Jan 2022	W.P 29275/ 2016 was disposed of Hon'ble High Court of Madras with the observation that Answering Respondent is to first seek EC and then approach Respondent No. 2 for regularization of its mining lease
48.	31 <sup>st</sup> Jan 2022	Answering Respondent move application for removal of the condition pertaining to submission

		of valid mining lease document from the ToR. (Typeset of Documents – Volume III – filed on 21.04.2022 - Annexure R21 @ Page 43)
49.	15 <sup>th</sup> Feb 2022	EAC (Expert Appraisal Committee) of Respondent No. 1 considered EC application, grant of EC was opposed by Respondent No, 2 on the ground that Mining Lease in question is not fit for deemed renewal till 31 <sup>st</sup> March 2030 as Answering Respondent has violated conditions of mining lease. EAC (Expert Appraisal Committee) observed that clear cut orders from the Court would be required for grant of EC. (Typeset of Documents – Volume III – filed on 21.04.2022 - Annexure R22 @ Page 83)

Dated at Chennai on this the 15<sup>th</sup> day of May, 2022.



**Counsel for the 6<sup>th</sup> Respondent**

From

R. Jayanthi., M.Sc., P.G.D.G.,  
Deputy Director, :  
Dept. of Geology and Mining,  
Collectorate,  
Salem-636 001.

To

Tvl.Dalmia Bharat and Sugar and  
Industries Limited,  
Vellakkalpatti Village,  
Karuppur Post,  
Salem-636 012.

Roc.No.1243/2021/Mines-C dated 10.03.2022.

Sir,

Sub: Mines and Minerals - Major Mineral - Magnesite and Dunite - Salem District - Original Application No. 213 of 2021 (SZ) filed by Thiru.S.Sakthivel, Salem before the NGT, Southern Zone, Chennai - Order dated 06.10.2021 - Committee constituted to inspect Tvl.Dalmia Bharat Sugar and Industries Limited mines area - Over an extent of 574.46.0 Hects. in S.F.No. 6 of Chettichavadi Village - Salem West Taluk - Details of production quantity and royalty remittance - Called for - Reg.

- Ref: 1. G.O.Ms.No.903 Industries, Labour and Co-operation Department dated 25.02.1966.  
2. G.O.Ms.No.74 Industries (MMD.1) Department dated 11.03.1997.  
3. NGT Southern Zone, Order dated 06.10.2021 in O.A.No.213/2021 (SZ).

-----  
One Thiru. S.Sakthivel has filed Original Application No. 213/2021 before National Green Tribunal (SZ), Chennai with a prayer to take action against the mining of Magnesite and Dunite by Tvl.Dalmia Bharath Sugar and industries Limited granted vide G.O.Ms.No.74 Industries (MMD.1) Department dated 11.03.1997 in Government land in S.F. No.6 Over an extent of 449.36.4 Hects. in Chettichavadi Village of Salem Taluk and District.

In this connection, The Hon'ble National Green Tribunal (SZ), Chennai in its order dt.06.10.2021 has directed the Joint committee constituted by the NGT to cause inspection and submit a factual as well as action taken report, if there is any Violation found before 16.11.2021. Accordingly the Director of Geology and Mining has constituted the teams to ascertain the volume of mineral

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extracted to confirm whether illegal mining was carried out by Lessee Company by using Total station survey and directed the team members to submit the report.

In this regard, the details of transport permit obtained, actual quantity transported and royalty remittance details for Magnesite and Dunite has to be furnished before the Hon'ble National Green Tribunal (SZ).

Hence, it is requested to submit the details of year wise production, transport permit obtained, quantity transported, royalty and difference royalty remittance from 1966-67 to till date for Magnesite and Dunite to this office immediately without delay.

This is treated as most urgent.

*[Signature]*  
10/3/22  
Deputy Director,  
Dept. of Geology and Mining,  
Salem.

*[Signature]*  
10/3/22

SL: MM:26142  
Date:19.03.2022

To,  
The Deputy Director,  
Department of Geology and Mines,  
Collectorate, Salem.

Dear Madam,

Sub: Submission of details of transport quantities, royalty remittance for the period from 2006-07 to 2020-21 -reg

Ref: Your Letter No- ROC.No.1243/2021/Mines-C dated 10.03.2022-reg.

This has reference to the above cited letter,

The Dalmia Bharat Sugar & Industries Ltd carried out Mining Operations as per G.O.M.S.No.903 dated 25.02.1966 upto 19.08.1986 and then as per the lease renewal order G.O.M.S.No.74 dated 11.03.1997 from 20.08.1986-19.08.2006.

We had applied for lease renewal over an extent of 449.364 Ha and surrendered 82.616 Ha vide our letter dated 11.07.2005.

Further we had applied for Environmental Clearance through the Secretary, Industries Department dated 09.02.2006.

As per the MOEF circular dated 28.10.2004 under EIA notification 1994, it is stated in para 1(ii) that all mining projects of Major minerals more than 5 Ha lease area which have so far not obtained EC under EIA notification shall do so at the time of renewal of their lease in the context of the Supreme Court judgment dated 18.03.2004 in W.P.4677/985- M.C.Mehta (vs) UOI & ORS.

As per the Supreme Court Judgment in MC Mehta (vs) UOI case the Environmental Clearance was applicable for our mines only from 20.08.2006 and for which we had submitted our application for Environmental Clearance through the State Government on 09.02.2006 (6months prior to date of lease expiry) and our lease application dated 11.07.2005 is also pending in State Government till date. In view of the above we are furnishing hereunder the details required by you:

**MAGNESITE:**

Year	Quantity of Transport Permitted (ts)	Actual Quantity Transported (ts)	Opening Balance (Rs) (Excess from previous year)	Payment Made for the year (Rs)	Total Amount Paid (Rs)	Total Amount to be Payable (Rs)	Excess / Shortage
	1	2	3	4	5 = 3+4	6	7 = 5-6
2006-07	68100	79830.34		4362500		4488033	
2007-08	53000	63291.051		3078744		3326553	
2008-09	59800	68732.69	No Due Certificate issued by District Collector dated 03.02.2015.	3917600	No Due Certificate issued by District Collector dated 03.02.2015.	3666876	No Due Certificate issued by District Collector dated 03.02.2015.
2009-10	48020	55223.088		3154250		3103487	
2010-11	48250	54841.129		3545500		3535802	
2011-12	23400	28764.88		2079250		2040229	
2012-13	7800	9608.039		738550		820569	
2013-14	5872	6074.419		564585		560502	
2014-15	12744	13394.71	21496	1449624	1471120	1236726	234394
2015-16	11356	12230.583	234394	1541924	1776318	1166775	609543
2016-17	10146	12091.549	609543	917010	1526553	1042796	483757
2017-18	7848	7641.91	483757	828528	1312285	887741	424544
2018-19	3492	3709.01	424544	400845	825389	424719	400670
2019-20	19416	24265.161	400670	2496912	2897582	3124227	-226645 (Shortage paid on 07.11.2021.)
2020-21	-	-	-	-	-	-	-

Note: There is no due to be paid for Magnesite from DBSIL.

Copy of the Payment Challan dated 07.11.2021 for Shortage of Rs.226645 is enclosed herewith.

**DUNITE:**

Year	Quantity of Transport Permitted (ts)	Actual Quantity Transported (ts)	Opening Balance (Rs) (Excess from previous year)	Payment Made for the year (Rs)	Total Amount Paid (Rs)	Total Amount to be Payable (Rs)	Excess / Shortage
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5= 3+4</b>	<b>6</b>	<b>7=5-6</b>
2006-07	2780	2836.36		42000		88749	
2007-08	2107.5	2003.52		101813		108248	
2008-09	1800	1623.27		97200		87677	
2009-10	9300	12048.6		499350		484970	
2010-11	2550	3395.34		75600		118565	
2011-12	8320	8065.59		400000		322130	
2012-13	13360	15675.81		998000		1393818	
2013-14	8542	8964.06		1030482		447191	
2014-15	45240	47101.3	236758	1900080	2136838	1646606	490232
2015-16	38400	38235.84	490232	1209600	1699832	1147077	552755
2016-17	4788	5522.69	552755	143640	696395	165681	530714
2017-18	7836	7820.61	530714	235080	765794	234618	531176
2018-19	0	0	0	0	0	0	0
2019-20	0	0	0	0	0	0	0
2020-21	0	0	0	0	0	0	0
<b>Note: There is Excess of Rs.531176 paid by Company in Accounts of Department of Geology and Mines.</b>							

The details sought by you from 1966-67 are not traceable either in our department or in the department of Geology and Mines, Salem.

P.G.Kalidass,  
Agent and Mines Manager.

From

R. Jayanthi., M.Sc., P.G.D.G.,  
Deputy Director,  
Dept. of Geology and Mining,  
Collectorate,  
Salem-636 001.

To

Tvl.Dalmia Bharat and Sugar and  
Industries Limited,  
Vellakkalpatti Village,  
Karuppur Post,  
Salem-636 012.

Roc.No.1243/2021/Mines-C dated 28.04.2022.

Sir,

Sub: Mines and Minerals – Major Mineral – Magnesite and Dunite - Salem District – Original Application No. 213 of 2021 (SZ) filed by Thiru.S.Sakthivel, Salem before the NGT, Southern Zone, Chennai – Order dated 06.10.2021 – Committee constituted to inspect Tvl.Dalmia Bharat Sugar and Industries Limited mines area – Over an extent of 574.46.0 Hects. in S.F.No. 6 of Chettichavadi Village – Salem West Taluk – Details of production quantity and royalty remittance - Called for – Reg.

- Ref: 1. G.O.Ms.No.903 Industries, Labout and Co-operation Department dated 25.02.1966.  
2. G.O.Ms.No.74 Industries (MMD.1) Department dated 11.03.1997.  
3. NGT Southern Zone, Order dated 06.10.2021 in O.A.No.213/2021 (SZ).  
4. This office letter even No. dated 10.03.2022.  
5. Your E-mail message dated 19.03.2022.

-----  
One Thiru. S.Sakthivel has filed Original Application No. 213/2021 before National Green Tribunal (SZ), Chennai with a prayer to take action against the mining of Magnesite and Dunite by Tvl.Dalmia Bharath Sugar and industries Limited granted vide G.O.Ms.No.74 Industries (MMD.1) Department dated 11.03.1997 in Government land in S.F. No.6 Over an extent of 449.36.4 Hects. in Chettichavadi Village of Salem Taluk and District.

The details of year wise production, transport permit obtained, quantity transported, royalty and difference royalty remittance from 1966-67 to till date for Magnesite and Dunite had been requested vide reference 4<sup>th</sup> cited.

...2..

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Subsequently, you have submitted the aforesaid details from the year 2006-07 only vide reference 5<sup>th</sup> cited. In order to file report before Hon'ble NGT, remaining years from the original lease granted period i.e., 1966-67 to 2005-06 is required.

As per rule 51 of Mineral Concession Rules 1960 and rules 45 52 and 53 of Mineral Conservation and Development Rules 1988, returns and statements shall be maintained and submitted to the IBM and State Government and hence it is requested to furnish the copy of the same from 1966-67 to 2020-2021 as well as pit mouth register for Magnesite and Dunite to this office immediately without delay. So as to enable us to verify the records and same may be filed before the Hon'ble NGT.

*28/11/22*  
Deputy Director,  
Dept. of Geology and Mining,  
Salem.

*28/11/22*  
Copy submitted to the Director of Geology and Mining, Guindy,  
Chennai for kind information.

# Dalmia Bharat Sugar and Industries Limited

[ Formerly : Dalmia cement (Bharat) Limited ]  
SALEM - 636 012 TAMILNADU

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**BY SPEED POST:**

Date: 6<sup>th</sup> May 2022

To,  
Dy. Director,  
Dept. of Geology & Mines,  
Collectorate, Salem.

Dear Madam,

Sub: Reply to Your Letter No- ROC.No.1243/2021/Mines-C dated 28.04.2022  
seeking details of production quantity and royalty remittance-reg.,

Ref: OA No. 213/2021 before NGT Chennai.

We are in receipt of your subject letter seeking details of year wise production, transport permit obtained, quantity transported, royalty and difference royalty remittance from 1966-67 to till date for Magnesite and Dunite. The said information had been sought in wake of O.A. No 213/2013 pending before Hon'ble NGT Chennai.

We may submit at the outset that in the aforesaid O.A. No 213/2013 aforesaid issues are not involved, further such issues may also not be agitated before Hon'ble NGT.

Nevertheless, production figures of the mines in question for the period 1979-80 to 2018-19 had already been confirmed by your office vide letter dated 11<sup>th</sup> December 2018. A copy of the said letter is enclosed herewith and marked as Annexure-A.

Further District Collector, Salem has also assessed the production figures of Dunite for the period 1<sup>st</sup> April 2000 to 31<sup>st</sup> August 2018 vide its demand memo dated 18<sup>th</sup> June 2019. A copy of the said demand memo is enclosed herewith and marked as Annexure-B.

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REGD. OFFICE : DALMIAPURAM(TAMILNADU) - 621 651.  
HEAD OFFICE : HANSALAYA (11<sup>TH</sup>&12<sup>TH</sup> FLOORS)  
15, BARAKHAMBIA ROAD, POST BOX 364  
NEW DELHI - 110 001.

District Collector, Salem has also assessed the production figures of Magnesite for the period 1<sup>st</sup> April 2000 to 31<sup>st</sup> August 2018 vide its demand memo dated 8<sup>th</sup> July 2020. A copy of the said demand memo is enclosed herewith and marked as Annexure-C.

It is clear from the forgoing that production figures had not only been assessed and confirmed by your office from time to time in recent past only and legal proceedings had already been initiated against us based on said assessments, which legal proceedings are pending at different level, hence the said assessments cannot be reopened now to allege further violations /impose further penalties.

You would appreciate that it maynot be possible to find out records which are now many decades old.

The aforesaid submissions are without prejudice to our contentions in all pending litigation initiated by us or filed against us on the allegation of mining without EC or otherwise.

Yours Faithfully,  
For Dalmia Bharat Sugar and Industries Ltd,



  
P.G.Kalidass 5.22  
Agent and Supdt of Mines.



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

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

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

Thu, Apr 21, 2022 at 6:48 PM

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

deetnpbslm@gmail.com, cgwa@nic.in, Ardhendumauli Prasad <mail@ardhendumauli.com>

Cc: POORNAM THANGAPERUMAL <poornamt@yahoo.com>, rishwanth@nrrslaw.com

Sirs/Madam,

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

Please find attached, a scanned copy of the paper book - Volume III filed on behalf of our client, containing the Reply of the 6th Respondent to the Report of the Joint Committee dated 23rd March, 2022 and other annexures.

Kindly Acknowledge Receipt.

 [O.A. No. 213 of 2021 - Typeset of Documents Vol...](#)

Yours faithfully

T.Poornam

Counsel for the 6th Respondent

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