

**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 TYPESET OF DOCUMENTS FILED BY THE SIXTH  
RESPONDENT – VOLUME V**

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Dated at Chennai on this the 6<sup>th</sup> of July, 2022.

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)****CHENNAI****Original Application No. 213 of 2021 (SZ)**

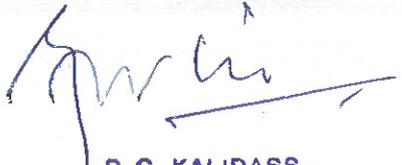
S. Sakthivel  
Environmental Protection and Anti-Pollution Group  
S/o P.K. Subramanyam  
Alagu Vinayakar Kovil Street,  
Fairland, Salem 636016

...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 .

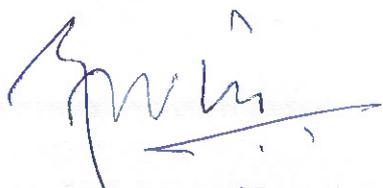
...Respondents

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

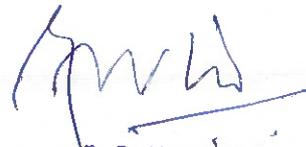
**REPLY ON BEHALF OF THE SIXTH RESPONDENT IN RESPONSE  
TO THE ADDITIONAL SET OF DOCUMENTS FILED by SECOND  
RESPONDENT ON 16<sup>th</sup> May 2022**

The 6<sup>th</sup> Respondent (**Answering Respondent**) above named states as follows:

1. The Answering Respondent has filed a detailed reply dated 01.02.2022 to the Application where it has set out in detail, the complete factual background and details as to the mining operations. The Answering Respondent had also filed replies to the individual reports of each member of the Joint Committee. In response to the Joint Committee Report dated 23.03.2022, (hereinafter referred to as JCR), the Answering Respondent has filed its reply dated 21.04.2022.
2. This Hon'ble Tribunal, vide Order dated 25<sup>th</sup> April 2022, directed the Respondents (except Answering Respondent) to provide copies of documents relied upon by the such Respondents in the JCR. The Answering Respondent was also directed to file a synopsis and list of dates and events and the matter was adjourned for hearing on 17<sup>th</sup> May 2022. In compliance with the said Order, the Answering Respondent had filed Chronology of Events and Typeset of Documents (Volume IV) on 15<sup>th</sup> May 2022.

  
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3. The documents referred to and relied upon in the JCR was furnished to the Answering Respondent only on the eve of the hearing, i.e., at 6.34 p.m. on 16<sup>th</sup> May 2022. The Answering Respondent is therefore now filing its response in respect of the documents furnished. This response is in addition and without prejudice to the contentions of the Answering Respondent which are already on record.
4. Without prejudice to the rights and contentions of the Answering Respondent, it is relevant to point out the glaring contradictions as can be observed from the various reports filed by the other Respondents and Joint Committee set out hereunder:
- a. Report of District Environmental Engineer, Salem dated 23.12.2021;
  - b. The Inspection report dated 31.01.2022 (signed on 28.01.2022) issued by (i) Assistant Geologist, Salem, (ii) Assistant Geologist, Tiruvallur, (iii) Assistant Geologist, Chennai, (iv) Assistant Geologist, Dindugal, (v) Assistant Geologist, Thiruvannamalai, (vi) Assistant Geologist, Sivagangai, (vii) Assistant Director, (G & M ), Coimbatore, (viii) Assistant Director, (G & M ), Namakkal, (ix) Assistant Director, (G & M ), Vellore, (x) Assistant Director, (G & M ), Erode, (xi) Assistant Director, (G & M ), Ariyalur and (xii) Assistant Director, (G & M ), Perambalur, (xiii) Deputy Director (G& M), Kanniyakumari, (xiv) Deputy Director (G& M) , Tirupur, (xv) Deputy Director (G& M), Krishangiri; and



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- c. Joint Committee Report dated 23.03.2022 (signed on 21.03.2022) issued by (i)Sub-Collector, Salem, (ii)Assistant Director, Water resources Department, Salem (iii) District Environment Engineer, TNPCB, Salem and (iv) Scientist “D” MOEF & CC, IRO, Chennai and (v) Director of Geology and Mining on 21.3.2022.

**Discrepancies and errors are apparent from the Reports:**

5. It is submitted that following glaring inconsistencies and errors are apparent on the face of reports filed:

- (i) In the Inspection report dated 31.01.2022, which forms the basis for the Joint Committee Report dated 23.03.2022, it has been observed at paragraph 5 (v) as follows:

*“No men and machinery and no mining activities is noticed during inspection”.*

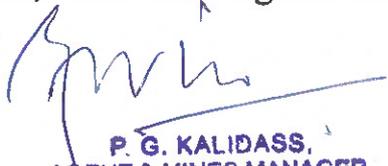
- (iii) In the individual report filed by the 4<sup>th</sup> Respondent dated 23.12.2021, at paragraph 7 of its report, concedes as follows:

*“ The Quarry site was inspected on 27.11.2021 by the DEE, TNPCB, Salem along with other Joint Committee members constituted in O.A. No. 213/2021 and found that the quarry was not in operation”*

- (iii) On the contrary, the Joint Committee, constituted by this Hon’ble Tribunal had in its report dated 21.03.2022, states that

*“the continuous mining operations have been carried out by the 6<sup>th</sup> Respondent”.*

- (vi) It is important to note that, the 4<sup>th</sup> Respondent, namely the District Environmental Engineer, TNPCB, Salem, who had signed the

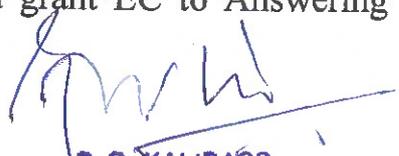
  
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individual report dated 23.12.2021, had also signed the Joint Committee Report dated 23.03.2022 without any application of mind.

- (v) The reports are not supported by any sketch, photographs, site maps, measurements of pit or any other document to demonstrate that inspection /measurement has been done in presence of Answering Respondent.

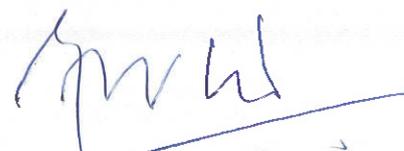
Thus, it is therefore clear that neither the report of the Joint Committee nor reports of the other Respondents bring any clarity on the issue and cannot be looked into for any purpose. It can be seen from the above that there has been complete lack of application of mind on the part of the Respondents 2 to 4, being authorities concerned, while preparing the reports and their errors have caused serious prejudice to the Answering Respondent.

6. The Govt. Orders granting mining lease to the Answering Respondent, the Hon'ble Madras High Court's Order dated 11.01.2022 passed in W.P. No. 29275/2016 (Page 307- 312 of the Type Set of Documents filed by Second Respondent) shows that Answering Respondent was lawfully carrying out its mining operations after duly filing applications for renewal of its mining lease and grant of EC.
7. The Minutes of 46<sup>th</sup> Meeting of Expert Appraisal Committee of Respondent No. 1 held on 15<sup>th</sup> February, 2022 (Annex R22 – Page 83 to 87, Volume 3 of R6 Typeset) to consider and grant EC to Answering

  
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Respondent which directs Answering Respondents to get a clear cut orders from court regarding grant of EC, clearly shows that how Respondent No. 1 & 2 despite unequivocal directions of the Hon'ble Madras High Court order dated 11.01.2022 in W.P. No. 29275/2016 (Page 307- 312 of the Type Set of Documents filed by Second Respondent) to grant EC to the Answering Respondent, had once again directed the Answering Respondent to obtain orders from Court in this regard. In fact, it is necessary to draw the attention of this Hon'ble Tribunal that the Answering Respondent had pointed out to the Hon'ble Madras High Court in W.P. No. 29275 of 2016 that it had a valid mining lease and that the Hon'ble Supreme Court has observed in W.P. (Civil ) No. 114 of 2014 and W.P. (Civil) No. 194 of 2014 (reported in (2016) 11 SCC 455) that a lease holder would still have the benefit of Section 8A(5) and (6) of the MMDR Act and this legal position has not been disputed by the Government of Tamil Nadu. Paragraph 37.5 of the order of the Hon'ble Supreme Court reads as under:

*“ 37.5. A leaseholder, who had moved a second (third or subsequent) renewal application under section 8(3) of the unamended 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 unamended Section 8-A of the MMDR Act and the amended Rule 24-A(6) of the Mineral Concession Rules) up to 12-1-2015 would still have the benefit of the situation sought to be remedied*



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*by the Mines and Minerals (Development and Regulation) Act, 2015.”*

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 11<sup>th</sup> Jan. 2022 where the Hon'ble Court *inter alia* observed that since the mining operations had been suspended by the Answering Respondent herein and grant of EC is at an advance stage, Respondent can approach Respondent No. 1 & 2, along with environment clearance, to consider the matter of renewal of its mining lease. The relevant paragraph of the order dated 11.01.2022 passed in W.P. No. 29275 of 2016 is extracted hereunder:

*“It is left open to the Petitioner-Company to submit all the required documents, including the Environmental Clearance Certificate issued by the Competent Authorities of the State, enabling the State Authorities to consider the case and take a decision and pass appropriate orders on merits and in accordance with law”*

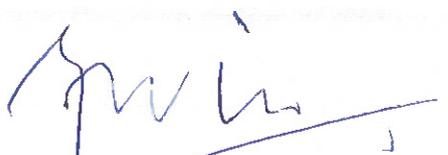
It is also pertinent to mention here that Answering Respondent *vide* its letter dated 31st January, 2022 provided copy of above mentioned orders dated 11<sup>th</sup> Jan 2022 to Expert Appraisal Committee of Respondent No. 1 with a request to grant EC to Answering Respondent without insisting for valid mining documents from Respondent No. 2.

  
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8. The Type Set of Documents filed by Respondent No. 2 has no bearing on the findings of the alleged illegal mining without transport permit. Rather, Proceedings/Order - Rc.No.1335/MM9/2006 dated 5<sup>th</sup> December, 2021 (Page 301 - 306 of the Type Set of Documents filed by Second Respondent) shows that entire fact finding exercise is based on wrong premise. The Inspection Report 31<sup>st</sup> January, 2022 (Page 313- 321 of the Type Set of Documents filed by Second Respondent) which forms basis of JCR is devoid of any substance. The direction issued by Second Respondent Vide Letter No. 1355/MM9/2006 dated 9<sup>th</sup> March 2022 (Page 325- 330 of the Type Set of Documents filed by Second Respondent) to District Collector, Salem to initiate action U/s 21 (5) of the MMDR Act in pursuance of JCR is premature, does not emanating from these proceedings and hence the same should be withdrawn by the Second Respondent in light of the facts of the case.

**The Respondent No. 2 has exceeded the scope of the order dated 6<sup>th</sup> October 2021 passed by this Hon'ble Tribunal / not followed the said orders in its letter and spirit**

9. The Respondent No. 2, vide Proceedings/Order - Rc.No.1335/MM9/2006 dated 5<sup>th</sup> Dec 2021 (Page 301 - 306 of the Type Set of Documents filed by Second Respondent) constituted three teams consisting of six members in each. As per the Hon'ble Tribunal Order dated 6<sup>th</sup> October 2021 the inspection team should consist of the officers not below the rank of Addl. Director of Mining & Geology. However, the 18 members team

  
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constituted by Respondent No. 2 are the officers below the rank of Addl. Director of Mining & Geology.

10. The Inspection Report dated 31<sup>st</sup> Jan 2022 which forms basis of JCR has been prepared by the officers below the rank of Addl. Director of Mining & Geology hence the findings of JCR deserve no consideration on this count alone.

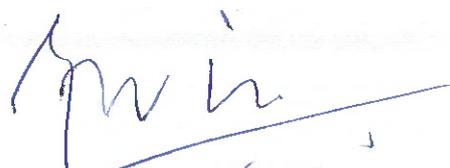
11. In the said proceedings /Order through which Second Respondent has constituted three teams for the purposes of fact finding quoted following expression as para 8 (iii) of the said order dated 6<sup>th</sup> October 2021,

*To submit report on the quantity of mineral extracted by doing such illegal mining, what is the nature action taken by the Authorities when such violations are brought to their notice*

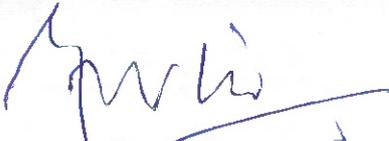
The Respondent No. 2 accordingly directed its officers to look into the aspect of mining without transport permits.

12. The Answering Respondent is shocked and surprised to note that Second Respondent had misquoted /doctored the directions of this Hon'ble Tribunal to give a wrong impression of this Hon'ble Tribunal's order to the fact finding teams, for the reasons best known to the Second Respondent. It is pertinent to mention here that vide orders dated 6<sup>th</sup> October 2021 (para 8 of the Order) fact finding committee was directed to look into the following facts

I. Whether 6<sup>th</sup> Respondent is having all necessary permissions/clearance from the authorities as required under environmental laws?

  
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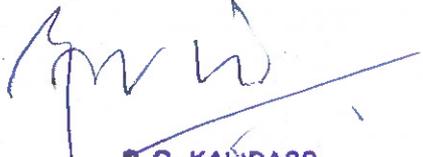
- II. Whether 6<sup>th</sup> Respondent is having all necessary permissions/clearance from the authorities as required under environmental laws? If so since when they are doing so?
- III. What is the quantity of mineral extracted by doing such illegal mining, what is the nature of action taken by authorities taken, when such violations are brought to their notice?
- IV. Whether any damage caused to the 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?
- V. Whether 6<sup>th</sup> Respondent has obtained necessary permissions for 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?
13. It is clear from the foregoing that this Hon'ble Tribunal has given no directions to the other respondents to look into the violation if any, of MMDR Act 1957, committed by the Answering Respondent. The directions were only in respect of the violations of environmental law. However, entire fact finding exercise has been conducted to look into the violation of MMDR Act which is not the mandated 6<sup>th</sup> October 2021 orders. The fact finding exercise has been undertaken not only to charge Answering Respondent with false allegations of illegal mining in violation of MMDR Act but also to mislead this Hon'ble Tribunal with the ulterior motive of tarnishing the image of the Answering Respondent, knowing fully well that this Hon'ble Tribunal has neither given any such directions nor this Hon'ble Tribunal has jurisdiction over the matters which relates to the violations of MMDR Act alone.

  
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In view of the foregoing it is clear that the fact finding exercise which leads to the wrong conclusion that Answering Respondent had cleared minerals without transport permit / violated other provisions of MMDR Act is beyond the mandate given by this Hon'ble Tribunal orders dated 6<sup>th</sup> October 2021, hence the same cannot be considered for these proceedings.

**The documents relied upon establishes that no fresh finding was required**

14. The crux of the allegations contained in the Original Application is that Answering Respondent is engaged in mining without EC as per 2006 EIA notification, that the Answering Respondent is mining without proper lease and that no action has been taken by the concerned Authorities against Answering Respondent. The other allegations are that Answering Respondent had caused damage to the environment and it has drawn water without proper permissions.
15. The documents relied upon (as filed) by the Second Respondent rather establish that the entire fact finding exercise is based on a wrong premise, i.e., no fresh fact finding was required to assess quantity of Dunite and Manganite cleared during period when Answering Respondent was allegedly engaged in mining without Environmental Clearance post August 2006.
16. In light of the allegations that Answering Respondent is engaged in mining without environment clearance since August 2006, District

  
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Collector, Salem vide Memo bearing Notice No.45/2018/D-1/Mines-A dated 18.06.2019 has raised a demand INR 11.44 crore towards 100% cost of 1,75,159.309 M T Dunite mined during the period 1<sup>st</sup> April 2000 to 31<sup>st</sup> Aug 2018, allegedly without EC. The said demand, as of now is under challenged in Writ Appeal No, 834/2020 before Madras High Court. Further District Collector, Salem's Memo bearing Notice No.45/2018/M-9/Mines-A dated 08.07 2020 had raised a demand of INR 7,24 Crores towards 100% cost of 54,396 .79 MT Magnesite mined during the period 1<sup>st</sup> April 2000 to 31<sup>st</sup> Aug 2018, allegedly without EC. The Answering Respondent has submitted a preliminary response to the said demand. In the earlier reports filed by Second Respondent it has already been brought on record that State Pollution Control Board had already issued Show Cause Notices U/s 19 of Environment Protection Act on the alleged ground that Answering Respondent has undertaken mining activity without EC post August 2006.

17. Paragraph 3 of the Inspection Report duly records that Answering Respondent filed application for renewal of mining lease timely and its mining plans have been approved for the period from August 2006. As per said paragraph, mining plans have been approved up to the period 2025-26, which itself shows that Second Respondent recognises deemed extension of the mining lease of Answering Respondent up to 31<sup>st</sup> March 2030. Moreover, in view of the law laid down by Apex Court in the matter of Common Cause Vs Union Of India (W.P No. 114/ 2014, order dated 4<sup>th</sup> April 2016), if application for renewal have been filed in time and if such application had been pending on the date when MMDR



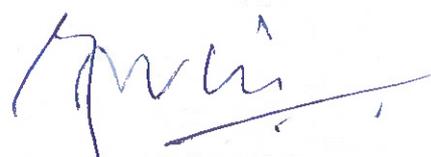
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Amendment Act 2015 came into force, i.e. 12<sup>th</sup> Jan 2015, then all mining lease for captive mining would have benefit of deemed extension till 31<sup>st</sup> March 2030.

18. With regard to the alleged damage caused to the environment, Answering Respondent would like to submit that the Answering Respondent had been carrying out mining operations as per the approved mining plans, which mining plans also recommends the measurers to contain /mitigate the damage to the environment. Nevertheless, the Answering Respondent, as part of its application for grant of EC which is pending before Respondent No. 1, had already submitted its proposed environment management plan. The highlights of said Environment Management Plan is as under

**SUMMARY OF DAMAGE ASSESSMENT COST:**

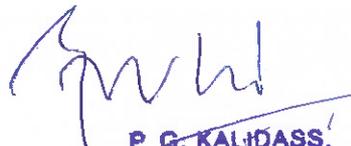
S.No	Environmental Activity	Previously proposed	Revised
1	Land Environment	Rs.13,50,000	Rs.66,00,000
2	Ecology & Bio-Diversity	-	Rs.14,85,000
3	3 % of EMP cost saved in the past 26 years	Rs,2,00,000	Rs.20.43,000
4	3 % of Net Profit during Violation Period	-	Rs.24,43,413
5	Air Environment	Rs.3,18,68,661	Rs.3,55,89,154
6	Water Environment	Rs.84,15,493	Rs.84,15,493
7	Solid waste Management	Rs.41,18,610	Rs.41,18,610
	<b>TOTAL:</b>	<b>Rs.4,59,52,764 /-</b>	<b>Rs.6,06,94,670/-</b>

  
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**SALEM-636 012**

**BUDGET FOR REMEDIATION PLAN, NATURAL RESOURCE  
AUGMENTATION PLAN AND COMMUNITY RESOURCE  
AUGMENTATION PLAN:**

Sl. No.	Description	Previously proposed Cost (Rs. in Lakhs)	Estimated cost (Rs. in Lakhs)
1	Remediation Plan	127.50	162.50
2	Natural Resources Augmentation Plan	155.00	236.00
3	Community Resources Augmentation Plan	177.60	208.44
Sub-Total		460.10	606.94
4	2% Contribution from Capital Cost against community welfare activities under OM dated 30/09/2020 based on PH requirements (CER)	- 34	39.14
<b>Grand Total-</b>		<b>494.10</b>	<b>646.08/-</b>

19. As for water drawl, it is most respectfully submitted that entire water drawl in the mining lease area is not attributable to the Answering Respondent alone. The Tamil Nadu Water Supply And Drainage Board (TWAD Board) has installed a permanent pumping station in A Block Mine sump and it is pumping water to the overhead tanks in Karuppur through pipelines. From there, water is supplied to 18 villages in Karuppur and Omalur for drinking and other domestic purposes since 1988. Similarly, the Salem City Municipal Corporation has installed pontoon water pump in B Block mine sump and is pumping water to the nearby villages under their drought relief scheme. JCR has raised a

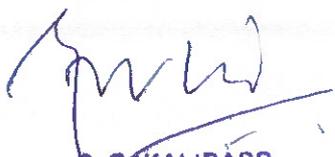
  
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**SALEM-636 012**

demand of INR 1.11 crore towards unauthorised withdrawal of ground water. The compensation has been calculated on the basis of environmental compensation rate for ground water in the over exploited area. No basis or data for the said demand has been given in the JCR hence Answering Respondent reserves its rights to respond to the said allegation as and when Respondent No. 5 provides basis/data of such demand, Nevertheless The Answering Respondent had also been regularly paying water cess annually to Respondent No-4 till 2017 -18. The Answering respondent had also got NOC from Ground Water Resources Department e on 17.11.2021.

20. In view of the foregoing it is submitted that entire fact finding exercise is not warranted, is further based on a wrong premise and the competent authorities had already taken action against the Answering Respondent in respect of the allegations of mining without EC which are currently pending adjudication/disposal. The Answering Respondent had already taken action in respect of other aspects of environmental damage /water drawl in its Environment Management Plan which is pending for approval as part of EC application before Respondent No. 1.

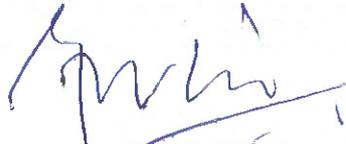
**Inspection Report dated 31<sup>st</sup> Jan 2022 and JCR are erroneous and inconclusive**

21. The documents relied upon (as filed) by the other respondents in respect of JCR do not lead to the conclusions drawn in JCR including the conclusion that Answering Respondent has cleared huge quantities of

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

Dunite and Magnesite without transport permits during the period 1979-80 onwards.

22. Para 3 of the Inspection Report discloses the quantity of minerals mined by the Answering Respondent. The State Mining Dept., from time to time, issued No Dues Certificates to the Answering Respondent, true copies of which (for the period from 1982 to 31.03.2014) as currently available are enclosed herewith. Further, as submitted earlier, Respondent No. 2 vide its letter dated 11.12.2018 had already confirmed the quantity of mineral mined during the period from 1979. Respondent No. 2 while issuing demands of INR 11.44 crore towards 100% cost of 1,75,159.309 M T Dunite mined and demand of INR 7,24 Crores towards 100% cost of 54,396 .79 MT Magnesite mined during the period 1<sup>st</sup> April 2000 to 31<sup>st</sup> Aug 2018., had assessed the quantity of mineral mined by the Answering Respondent. Hence, the re -assessment of the quantity of mineral, that too since the inception of mining lease, is not only uncalled for nor legally justifiable by any stretch of imagination
23. The order dated 5<sup>th</sup> Dec 2021 directed assessment of the volume of minerals on the basis of total pit volume and recovery percentage as against the mineral available in stock and mineral cleared under transport permits. In this regard, it is submitted that the order dated 6<sup>th</sup> October 2021 contains no such directions. It is further submitted that in terms of Sec 9 of MMDR Act, royalty is payable on the basis of mineral *removed or consumed*. The Answering Respondent had been making advance payment of royalty for the quantity of mineral removed from mines after

  
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SALEM-636 012.

due weighment on weighment scales. The transport permits were issued only for the quantity of mineral for which advance payment had already been made by Answering Respondent and no dues certificates have been issued from time to time, hence in any case Respondent No. 2 cannot resort to the pit dimension method.

24. The assessment of the quantity of mineral for the purposes of MMRD Act on the basis of pit volume or recovery ratio are not the methods prescribed under MMDR Act or rules made thereunder. Hence any assessment through such methods cannot be the basis for any proceedings under MMDR Act. The findings of alleged illegal mining, in the absence of transport permits, as contained in the Inspection Report which forms basis of JCR are liable to be rejected as this exercise has been done without any statutory mandate. The entire exercise of Second Respondent to assess the quantity of minerals is not as per Law. The Inspection Report simply assess the quantity of minerals on the basis of pit dimension and recovery ratio and subtracts the same from sum total of minerals cleared on the strength of transport permit plus the stock lying in the mining area. Such assessment method is not prescribed by the MMDR Act /Rules and hence the same cannot be made the basis for any legal proceedings.
25. Paragraph 4 of the Inspection Report quotes 46536471 cubic meter of mineral based on of volume method without giving any dimension of pits, number of pit or any other reason whatsoever to support its conclusion on the said figure. It then applies recovery ratios as mentioned in the mining

  
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SALEM-636 012

plan uniformly for all years, from 1979 onwards, to arrive at quantities of Dunite and Magnesite. It is pertinent to mention here that the quantities arrived at in the paragraph under reply are contrary to the quantities which Respondent No. 2 had itself verified and confirmed earlier.

26. The Inspection Report, which is one of the documents relied upon in the JCR, does not precisely identify the dates and time when the inspections was carried out, save and except a vague statement that the inspection was carried out from 6<sup>th</sup> Dec 2021 onwards. The spot inspection /measurements of pits etc. have not been done in a fair manner and was without prior notice to the Answering Respondent to enable its presence. The sketches and measurements which forms basis of this Inspection Report are missing. Hence, the Inspection Report as such fails to inspire any confidence. Paragraph 4 of the Inspection Report states that "Dimension of the pits/dumps and available stocks of Magnesite and Dunite was measured by the surveyors in the subject area" which casts a doubt on the entire measurement. It is not clear whether the said measurement was done in the presence of the Inspection Team members or it was conveyed to them by such persons who were not the part of inspection Team
27. During the inspection period, the surveyors surveyed only Dump No.1, only on one day using DGPS survey instrument but the dimensions of pits and all other dumps were not measured by. The Inspection teams and the mining officials of the Answering Respondent are not aware of this measurement. The Answering Respondent is not aware of the source of

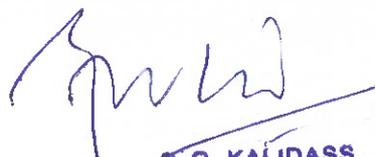
  
P. G. KALIDASS,  
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CHETTICHAVADI JAGHIR MINES,  
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,  
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SALEM-636 012.

these measurements to arrive at 111.678 Million Tonnes of minerals removed from the pits.

28. The contents of para 5 (i) of the Inspection Report that no safety zone is maintained is factually incorrect. The Answering Respondent had built stone parapet walls of 1.2m height and 1.0 width all along the toe of the Spoil banks throughout the entire length of the spoil banks on the east. Further, trenches are dug outside parapet wall to prevent flow of the spoil during heavy rains. There is intensive plantation work on the slopes of the spoil banks facing the lease boundary on the east. The plants have grown well and consolidated the spoil banks such that erosion of the spoil during rains is prevented. All these measures are carried out for Environmental Protection as required by the Indian Bureau of Mines and the Mining Plans were approved since 1988-89 till 2025-26. In the south western part of the lease area as well, the Answering Respondent had carried out intensive plantation works and the area is totally safe. Adjoining the lease area, in the south western part, the Answering Respondent had its own company's patta lands. The spoil bank outside the lease area is a barren land and compound walls are installed all around it which form the safety zone around the spoil bank.

29. The contents of para 5 (ii) of the Inspection Report stating that there are 32 pits is factually incorrect.

It is clear from the foregoing that at the first instance the findings in the Inspection Report are beyond the mandate given by the Tribunal's Orders dated 6<sup>th</sup> October 2021, the assessments are not based on the methods prescribed

  
F. G. KALIDASS,  
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SALEM-636 012

under MMDR Act, there is no justification to undertake such exercise at this belated stage, having issued No Dues Certificates for the corresponding period, having assessed the quantity of mineral at least twice in the recent past. Hence no credence can be placed on the Inspection Report and/or on JCR and the proceedings already initiated on the basis of these reports / proposed to be initiated is liable to be dropped forthwith.

Solemnly affirmed at  
Chennai on this the 6<sup>th</sup> day of  
July, 2022 and 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



Karan Kothari  
MS 4350/2021  
Advocate, No. 148,  
Secondline beach  
Chennai - 01

<b>NO DUE CERTIFICATES FOR THE PERIOD SINCE 1982 TO 31.03.2014.</b>	
<b>S.NO</b>	<b>PARTICULARS</b>
1.	Upto the year ended 1982.
2.	Upto the year ended 1984.
3.	Upto the year ended 1987
4.	Upto the year ended 1988.
5.	Upto the year ended 1989.
6.	Upto the year ended 1990.
7.	Upto the year ended 1992.
8.	Upto the year ended 1993.
9.	Upto the year ended 1994.
10.	No Due Clearance Certificate dt 24.10.1998.
11.	No Due Clearance Certificate dt 24.10.1998.
12.	No Due Clearance Certificate for 1997-98.
13.	No Due Clearance Certificate for 1998-99.
14.	No Due Clearance Certificate for 1999-2000.
15.	No Due Clearance Certificate dt 27.08.2002.
16.	No Due Clearance Certificate dt 16.10.2003.
17.	No Due Clearance Certificate dt 26.04.2005.
18.	No Due Clearance Certificate dt 31.12.2005.
19.	No Due Clearance Certificate dt 08.02.2007.
20.	No Due Clearance Certificate dt 27.11.2009.
21.	No Due Clearance Certificate dt 02.07.2013
22.	No Due Clearance Certificate dt 03.02.2015.

No. 51669/83 of 1983 Collector's office

MINING LEASES CANCELLATION CERTIFICATE

(UNDER RULE 9(2)(a) and 22(3)(1)(a))

... 1/3 ...  
corporation Salem is a mining leasee in this district.  
their accounts were verified upto the year ended 1982  
and they are not in arrears of mining dues in this  
District.

This Certificate is valid upto 31.12.83.

TO *SA*  
*5483* *OU*  
*6483*  
M/s Salem Magnesite Corporation  
Salem

*212*  
*Abel*  
*8483*  
COLLECTOR: SALEM

Collector's office,  
Salem.

Rec.B(Mines) 55 /85 dt. 21-8-85.

MINING DUES CLEARANCE CERTIFICATE

(Under Rule 9(2) (d) and 22(3) (1) (d) of M.C.R.)

This is to certify that

*cement (Bharat) Ltd.*  
Tvl. Dalmia ~~Kxxxxxxx~~ ~~xxxxxxx~~,  
Salem-12.

is a mining lessee/mining lessee company in this district.

~~His~~/its accounts were verified upto the year ended 1984

and ~~he~~/it is not in arrears of mining dues such as

Royalty, Dead Rent and surface Rent in Salem District

Except local cess and local cess surcharge which is

subjudice.

This certificate is valid upto 31.12.1985.



*2/2*  
*myr*  
COLLECTOR, SALEM

*21/8*  
*21/8*

*0/10*  
*21885*

*cement (Bharat) Ltd*  
Tvl. Dalmia ~~Kxxxxxxx~~ ~~xxxxxxx~~,  
Salem-12.

Roc. 106/88 (B) Dated 18.11.88.  
 -----

Collector's Office,  
 Salem.

MINING DUES CLEARANCE CERTIFICATE.

(UNDER RULE 9(2) (d) AND 22(3)(i)(d) of MCR)

This is to certify that Thiruvalargal Dalmia  
 Magnesite Corporation, Salem, is a Mining lessee  
 in this District. The Accounts were verified  
 upto the year 1987 and the lessee is not having  
 any arrears of mining dues such as Royalty,  
 Dead rent and Surface Rent in respect of Dunite  
 lease granted in Chettichavadi village of Salem  
 District.

This Certificate is valid upto 31-12-88.

$\frac{2}{2}$  *P. M. J.*  
 COLLECTOR, SALEM.

To

$\frac{1}{1}$  18.11.88  
 Tvl. Dalmia Magnesite Corporation,  
 Salem.

Roc.2607/88(Mines-A) Dated 2).4.89 Collector's Office,  
Salem.

MINING DUES CLEARANCE CERTIFICATE

(UNDER RULE 9(2) (d) AND 22(3) (i) (d) of M.C.R).

This is to certify that Tvl. Dalmia Cement (Bharat) Limited, Dalmiapuram is a mining lessee in this District. The accounts were verified upto the year 1988 and the lessee is not having any arrears of mining dues such as Royalty, Dead rent and Surface Rent in Salem District.

This Certificate is Valid upto 31.12.89.

18.4.89

*D. S. H.*

2/2 *S. Chandy*  
COLLECTOR, SALEM.

15.4

To  
Tvl. Dalmia Cement (Bharat) Limited,  
Dalmiapuram.  
Trichy District.

Roc. 2783 / Mines-A

Collector's Office,

Dated: 30.8.90.

MINING DUES CLEARANCE CERTIFICATE

(UNDER RULE 9 (2) AND 22 (3) (1) (d) OF M.C.R.)

This is to certify that Tvl. Dalmia Cement (Bharat) Limited, Salem-12 is a Mining lessee in this district. Their accounts were verified upto the year 1989. They are not having any arrears of Mining dues such as Royalty, Dead rent and surface rent in Salem District.

This certificate is valid upto 31-12-90.

To  
Tvl. Dalmia Cement (Bharat) Limited,  
Salem-12.

*30890*

*3080*

COLLECTOR, SALEM.

*[Signature]*

*Advance Royalty file*

MM / SH. C. S. SHARMA - ND - RYT 114 / 8-8-910 MINING DUES CER. PROD. UNDER

K. Dis. 2325/91/Mines-A

Collectorate, Salem  
Dated: 6-08-1991.

MINING DUES CLEARANCE CERTIFICATE

(Under Rules 9(2)(d) and 22(3)(i)(a) of the M.C.R. 1960)

This is to certify that Tvl. Dalmia Cement (Bharat) Ltd., Trichy, are mining lessees in this District. Their accounts were verified upto the year, 1990 and they are not in arrears of mining dues such as Royalty, Dead Rent and Surface Rent in this District.

This certificate is valid upto 31.12.1991.

*[Signature]*  
COLLECTOR,  
SALEM.

To  
Tvl. Dalmia Cement (Bharat) Ltd.,  
Salem-12.

*[Signature]*  
28/9  
5.8.91

Copy sent thro courier

*[Signature]*  
08/08/91

MINING DUES CLEARANCE CERTIFICATE.

Office of the Collector of Salem District

No. K.Dis. 675/92/Mines-A/

Dated: 9-6-92.

See Rule 9(2)(d) and 22(3)(i)(d) of M.C.R. 1960 and G.O.Ms.No. 2249, Industries, dated 23-9-71.

This is to certify that ~~Thiru/Thirumathi~~/Tvl. Dalmia Cement (Bharat) Limited, Trichy have~~s~~ got mining lease in this District and that ~~his~~/their accounts relating to mines were audited upto the year ending (31.3.92) 1991-1992. The lessee is not in arrears as detailed below:-

Year	Royalty	Dead Rent	Surface rent.	Local cess.	Local cess sur-charge.	Prospecting fees.	Total
1.	2.	3.	4.	5.	6.	7.	8.

- NIL -

2. Out of the amount shown above the amount noted below are covered by the Stay orders issued by the  
Vide Orders No. \_\_\_\_\_ Dated: \_\_\_\_\_

Year	Royalty	Dead Rent	Surface Rent.	Local cess	Local cess sur-charge.	Prospecting fees.	Total.
1.	2.	3.	4.	5.	6.	7.	8.

- NIL -

This certificate is valid for the financial year ending 31.3.93.

*[Signature]*  
COLLECTOR, SALEM.

*[Handwritten notes]*  
29/5  
29/5/92  
30/5/92

MINING DUES CLEARANCE CERTIFICATE.

Office of the District Collector, of Salem District.

K.Dis.1278/93/Mines-A/Collectorate, Salem.  
Dated: 11.6.93.(See Rule 9(2)(d) and 22(3)(i)(d) of M.C.R. 1960  
and G.O.Ms.No.2249, Industries, dated 23-9-71).

---  
This is to certify that Dalmia Cement (Bharat) Limited,  
Salem-12, a mining lessee in this District whose accounts  
relating to mine were audited ~~upto~~<sup>for</sup> the year ending 31.3.93.  
The lessee is not in arrears in any of the items detailed  
below:-

Year	Royalty	Dead Rent	Surface Rent	Local Cess	Local cess surcharge	Pros pecting Fees.	Total
------	---------	--------------	-----------------	---------------	----------------------------	--------------------------	-------

- N I L -

-----  
This certificate is valid for the financial year  
ending 1992-93.

*[Signature]*  
12/6/93  
FOR COLLECTOR, SALEM.

To

*98*  
*176B*  
M/s. Dalmia Cement (Bharat) Limited,  
Salem-12.

MINING DUES CLEARANCE CERTIFICATE.

D.M.C. SALEM-1230

Office of the Collector of Salem District. 9 NOV 1994

K. Dir. 2017/94 Mines - A/

Collectorate, Salem.  
Dated: 27-11-94.

(See Rule 9(2)(d) and 22(3)(i)(d) of M.C.R. 1960 and G.O. Ms. No. 2249, Industries, dated 23.9.71).  
---

This is to certify that Tvl. DALMIA CEMENT (BHARAT) Limited, Salem got mining lease for Magnesite in this District and continuing mining operation on the strength of the High Court's order W.M.F. Nos. 18852 of 86 and 2385/87 in W.P. No. 12358 of 86 and Government of India's Revision order No. 121/90, dated 9-4-90 and that their accounts relating to their mines were audited upto the year ending 31-3-94. The lessee is not in arrears as detailed below:-

Year	Royalty	Dead Rent	Surface Rent	Local Cess	Localcess surcharge	Prospecting fees.	Total
1.	2.	3.	4.	5.	6.	7.	8.

- NIL -

This certificate is valid for the financial year ending 31.3.95.

*[Signature]*  
FOR COLLECTOR, SALEM.

To  
*[Signature]*  
M/s. Dalmia Cement (Bharat) Limited,  
Salem.

SyT Y.H. Dalmia N.D.

Sri N. Gopalaswamy SPN

By Faxing no due certificate as desired.

S.K. MISRA

6.11.99

Roc. 1803/97/Mines-A/

Collectorate, Namakkal.  
Dated: 24-10-98

MINING DUE CLEARANCE CERTIFICATE.

This is to certify that M/s. Dalmia Cement (Bharat) Limited, Salem are having mining lease in Salem District for 1997-98 and the lessee company has remitted all the mining dues regarding royalty, surface rent and dead rent in respect of the G.O's mentioned below:-

- 1) G.Os. 2617/Ind/dated 1-7-59 Valid from 21-10-59 to 20-10-79. Mining lease renewal applied on 19-09-78 under rule 24(A) Mineral Concession Rules, 1960.

The lessee company is not in arrears of Royalty Surface Rent, Dead Rent except the arrears of Local cess and Local cess surcharge on royalty and the interest thereon, which is covered by Stay orders by the High Court, Chennai as detailed below.

LC & LCS	= 1137697/-	} Covered by High Court Stay } in W.P. 468, 469/98 in W.M.P. } No. 666, 668/98/dated 20-1-98.
Interest for LC & LCS.	= 2275703/-	

*24/10/98*  
FOR COLLECTOR,  
NAMAKKAL.

To

M/s. Dalmia Cement (Bharat) Limited,  
Salem.

Doc. 1803/97/Mines-A/

Collectorate, Salem.  
Dated: 24-10-98

MINING DUE CLEARANCE CERTIFICATE

This is to certify that M/s. Dalmia Cement (Bharat) Limited, Salem are having mining lease in Salem District for 1997-98 and the lessee company has remitted all the mining dues regarding royalty, surface rent and dead rent in respect of the G.O's mentioned below:-

- 1) G.O.M.S.No.74, Industries, dated 11-03-97 valid from 20-08-86 to 19-08-2006.

The lessee company is not in arrears of Royalty, Surface rent, dead rent except the arrears of Local cess and Local cess surcharge on royalty and the interest thereon which is covered by Stay orders by the High Court, Chennai as detailed below.

LC & LCS	= 3,02,76,552/-		Covered by High Court Stay in W.P.No.466,467/98 in W.M.P.662 and 664/98 dated 20-1-98.
Interest on LC & LCS	= 5,81,52,041/-		

*S*  
24/10

*24/10/98*  
FOR COLLECTOR,  
SALEM.

To  
M/s. Dalmia Cement (Bharat) Limited,  
Salem.

Roc. 528/99/Mines-A/Collectorate, Salem.  
Dated: -7-99.Mining Due Clearance Certificate.

This is to certify that M/s. Dalmia Cement (Bharat) Limited, Salem, Salem District are having mining leases in Salem District for 1998-99 years and the lessee company has remitted all the mining dues regarding royalty, surface rent and dead rent in respect of the G.O's mentioned below:-

G.O.No.74, Industries Department, dated 11-4-97 Valid from 20-8-86 to 19.08.2006.

The lessee company is not in arrears of Royalty, Surface Rent, Dead Rent except the arrears of Local cess and Local Cess surcharge on Royalty and the interest thereon which is covered by Stay orders by the High Court, Chennai as detailed below:-

LC & LCS  
upto 4.4.91.

= Rs. 3,02,76,552/-  
(W.P.466 and 468/98 and W.M.P.No. 662 and 664 dated 20.1.98.

Interest on LC & LCS  
(upto 1.1.96).

= Rs. 5,81,52,041/- ( -do- )



*[Signature]*  
FOR COLLECTOR,  
SALEM.

27.7.99

*[Signature]*  
27.7.99  
Tvl. Dalmia Cement (Bharat) Limited,  
Salem.

Roc. 1444 /2000/Mines-A/

Collectorate, Salem.  
Dated: 25 -8-2000.

Mining Due Clearance Certificate.

This is to certify that M/s. Dalmia Cement (Bharat) Limited, Salem District are having mining leases in Salem District for 1999-2000 year and the lessee company has remitted all the mining dues regarding royalty, surface rent and dead rent in respect of G.O's mentioned below.

G.O.No.74, Industries Department, dated 11-4-97 Valid from 20.8.86 to 19.8.2006.

The lessee company is not in arrears of Royalty & Dead Rent except the arrears of local cess and local cess surcharge on Royalty and the interest thereon and compensation amount on surface rent.

- |   |  |
|---|--|
| 1) Local cess & local cess surcharge.               | : Rs.3,02,76,552/-   |
| (Covered by Stay orders by the High Court, Madras). | (WP.466 and 468/98 and WMP. No.662 and 664, dated 20.01.1998)                      |
| Interest on LC & LCS (Upto 31-3-1996)               | : Rs.5,81,52,041/- (-do-)  |
| 2) Surface rent                                     | : The compensation amount for surface right yet to be fixed from 97-98 to 99-2000. |

This certificate is valid upto 31-3-2001.

FOR COLLECTOR, 25 8 2000  
SALEM.

To

Tvl. Dalmia Cement (Bharat) Limited,  
Salem.

MINING DUES CLEARANCE CERTIFICATE

1. Name of the applicant : Tvl. Dalmia Cemant (Bharat) Ltd.,  
C/o. Dalmia Magnesite Corporation  
Salem 636 012.

2. The Details of the quarrying:  
lease or permit obtained by  
the application and penalty if  
any, levied on the applicant  
in the State of Tamil Nadu.

Sl. No.	Location of the Mining area. District Taluck	Village & S.No. & Extent in Hectared.	Order No and date by which mining right was obtained by the applicant and penalty, if any, levied on the applicant.	Name of the Minerals
---------	---	--	---	-------------------------

1.	Salem	Salem Chettichavadi S.No. 6	G.O. Ms.No.74, ind(MMD1)Dept, dt. 11-4-1997. 20 Years 20-8-1986 to 19-08-2006.	Raw Magnesite & Dunite.
----	-------	--------------------------------	---	----------------------------------

3. The District(s) in which the applicant is assessed for Mining Dues and where payment is made. : Salem District.

4. Particulars concerning Royalty:  
and other payments for  
years.

Period	Royalty	Surface rent and Compensation amount on S.R.		Total
		Demand	Collection	
1997-98	2255464	2255464	* 30198	2285662
1998-99	1534900	1534900	* 30198	1565098
1999-00	2016706	2016713	* 30198	2046911
2000-01	113058	126010	* 30198	156208
2001-02	923448	910496	* 30198	940694
<b>Total</b>	<b>6843576</b>	<b>6843583</b>	<b>* 150990</b>	<b>6994573</b>

\* Compensation amount on surface rent yet to be fixed.

- 5. a) Total Minerals Revenue assessed : Rs.6843576/-  
liable to be paid by the applicant
- b) Mineral Revenue Paid : Rs.6994573/-
- c) Unpaid Mineral Revenue : Rs. \*

\* Compensation amount on surface rent yet to be fixed.

INSTRUCTIONS

1. Separate Statements for different leaseholds and District should be attached.
2. If any dues remain unpaid the reasons should be explained in an attached statement.
3. It must be declared whether any attachment or court proceedings is pending in respect of arrears (Furnish full particulars).

I declare that the above informations are correct and complete to the best of my information and belief.

Place : Salem

Date : 27.8.2002

For DALMIA CEMENT (BHARAT) LTD,  
C/o. Dalmia Magnesite Corporation,

ASST. GENERAL MANAGER (Accts.)  
Signature of the Applicant.

Roc. 395 /2002/Mines-A/

Collectorate, Salem.  
Dated: 27-8-2002.

The Certificate is valid for one year from the date of issue.



Place: Salem

Date : 27-8-2002.

**FOR COLLECTOR,**  
Signature **SALEM** the Issuing  
Authority.

Sl-6  
27.8.2002.

Mr CHANDRAMOULI  
D.C.B. DALMIA PURAM.

APPENDIX-VIII

( See Rules 9(2)(d) and 22(3) (I) (d) of M.C.R.1960)

MINING DUES CLEARANCE CERTIFICATE

- 1 Name and address of the applicant :Tvl Dalmia Cement (Bharat) Limited  
c/o Dalmia Magnsite Corporation  
Salem-636012
- 2 The Details of the quarrying:  
Lease or permit obtained by the applicant and penalty, if any,levied on the applicant in the State of Tamil Nadu.  
Location of the Mining Area
- | District | Taluk | Village<br>Sno.& Extent   | Order No &Date<br>by which Mining<br>Right was obtained<br>by the applicant and<br>the penalty if any<br>levied on the applicant | Name of the<br>Mineral(s) |
|----------|-------|---------------------------|--|---------------------------|
| Salem    | Salem | ChettiChavadi<br>Jaghir   | 1. G. O. No. 74. Ind. Dept<br>dated : 11/4/1997<br>20years -<br>20/08/1986 to 19/08/2006   | Raw Magnesite<br>&Dunite  |
|          |       | Survey no-6<br>1314 Acres | 2. Govt. Letter<br>No.32325/mmd/i/ 2000-4/<br>dated 06-02-2001   | Raw Magnesite Rejects     |
- 3 The District (s) in which the applicant is assessed for mining Dues and where payment is made Salem District
- 4 Particulars concerning Royalty and other payment for the preceeding five financial years

preceeding Period	Royalty		Surface Rent		Total	
	Demand	collection	Demand	Collection	Demand	Collection
1998-99	1534900	1534900	30198	30198	1565098	1565098
1999-00	2016713	2016713	30198	30198	2046911	2046911
2000-01	113058	113058	30198	30198	143256	143256
2001-02	923448	923448	30198	30198	953646	953646
2002-03	777277	777277	30198	30198	807475	807475
Total	5365396	5365396	150990	150990	5516386	5516386

- 5(a) Total Mineral Revenue assessed /liable to be paid by the applicant : 5516386/
- (b) Mineral Revenue paid : 5516386/
- Unpaid Mineral Revenue Nil

Remarks:

The firm has filed a W.P.No.466 to 469/98 against the demand of Rs.8,84,28,5000 towards local cess, local cess surcharge and Interest there on. This demand is not allowed and the demand is quashed by the Honourable High court of Madras, Chennai, vide order dated 22-01-2002

We declare that the above information is correct and complete to the best of our information and belief

For DALMIA CEMENT (BHARAT) LTD,  
C/o. Dalmla Magnesite Corporation,

*[Signature]*  
ASST. GENERAL MANAGER (Accts.)  
Signature of the Applicant

Date: 29-8-2003

Roc: 559/2003/Mines-B

Collectorate, Salem

Dated - 10 -2003

This Certificate is issued subject to the condition that the lessee shall be liable to pay any amount based on court orders, audit objections .etc.

This Certificate is valid for one year from the date of issue.

Place: Salem.

Date: 16-10-2003

*[Signature]*  
COLLECTOR  
SALEM



*[Signature]*  
18/10/03

21.6  
15.10.03

*[Signature]*  
16/10/03

APPENDIX

(See Rules 9 (2) (d) of M.C.R. 1960)

Mining Dues Clearance Certificate

1. Name & Address of the Applicant. : Tvl. Dalmia Cement (Bharat ) Ltd. ,  
C/o Dalmia Magnesite Corporation,  
Salem-636012

2. Details of the quarrying :  
Leas or Permit obtained by  
The applicant and penalty,  
if any, levies on the applicant  
in the state of Tamilnadu.

Location of the Mining Area

District	Taluk	Village	Order No & Date By which Mining Right was obtained by the Applicant and penalty If any levied on the applicant	Name of the Mineral(s)
		S.No. & Extent		

Salem	Salem	Chetti chavadi Jaghir	1. G.O.No.74.Ind.Dept Dtd.11-04-1997. 20 years- 20-08-1986 to 19-08-2006	Raw Magnesit &Dunite
		Survey no.6 1314-Acres	2. GovtLetter.32325/mmd/i/2000-4 Dated 06-02-2001	

3. The District (s) in which the  
Applicant is assessed for  
Mining Dues and where payment  
is made

Salem District

4. Particulars concerning Royalty and other payments for the preceding five financial years

Preceding Period	Royalty		Surface Rent & Compensation Amount		Total	
	Demand Rs.	Collection Rs.	Demand Rs.	Collection Rs.	Demand Rs.	Collection Rs.
1999-00	2016713	2016713	30198	30198	2046911	2046911
2000-01	113058	113058	30198	30198	143256	143256
2001-02	923448	923448	30198	30198	953646	953646
2002-03	777277	777277	30198	30198	807475	807475
2003-04	4187931	4196747	30198	30198	4218129	4226945
<b>Total</b>	<b>8018427</b>	<b>8018427</b>	<b>150990</b>	<b>150990</b>	<b>8169417</b>	<b>8178233</b>

5. (a) Total Mineral Revenue Assessed/ Liable to be paid by the applicant:	8169417
(b) Less :	
(c) Mineral Revenue Paid for 2003-04 :	8178233
(d) Excess paid Mineral Revenue	8816

Note:

Approval of the Government for the proposal of the company for adjustment of the deposit of Rs.17.50 lakhs with interest ,against Royalty on Raw magnesite is yet to be decided and refundable by the Government.

Instructions:

1. Separate Statements For Different leaseholds and District should be attached.
2. If any dues remain unpaid the reason should be explained in the attached statement.
3. It must be declared whether any attachment or court proceedings is pending in respect of arrears. ( furnish full particulars)

I declare that the above information is correct and complete to the best of my information and belief.

For DALMIA CEMENT (BHARAT) LTD,  
C/o. Dalmia Magnesite Corporation,

*[Handwritten Signature]*

Dy. GENERAL MANAGER (Accts.)  
Signature of the Applicant

Place: Salem  
Date: 25-03-2005

Collectorate, Salem.  
Dated 26 - 4 - 2005.

Roc. 512/2005/Mines-A/

The Certificate is valid for one year from the date of issue.

The lessee shall be liable to pay any arrears found later based on the Court orders/Audit objections and further verification of records etc.

2. The amount <sup>of</sup> Rs.17.50 lakhs is deposited for LC & LCS only <sup>and is</sup> not connected with the ~~amount~~ <sup>amount</sup>.



Place: Salem  
Date: 26 - 4 - 2005.

*[Handwritten Signature]*  
**COLLECTOR**  
SALEM  
Signature of the issuing Authority

*[Handwritten Signature]*  
25-4-2005

*[Handwritten Signature]*  
26/4

APPENDIX  
(See Rules 9 (2) (d) of M.C.R. 1960)  
Mining Dues Clearance Certificate

1. Name & Address of the Applicant. : Tvl. Dalmia Cement (Bharat) Ltd.,  
C/o Dalmia Magnesite Corporation,  
Salem-636012

2. Details of the quarrying :  
Leas or Permit obtained by  
The applicant and penalty,  
if any, levied on the applicant  
in the state of Tamilnadu.

Location of the Mining Area

District	Taluk	Village	S.No. & Extent	Order No & Date By which Mining Right was obtained by the Applicant and penalty If any levied on the applicant	Name of the Mineral(s)
Salem	Salem	Chetti chavadi Jaghir	Survey no.6 1314-Acres	1. G.O.No.74.Ind.Dept Dtd.11-04-1997. 20 years- 20-08-1986 to 19-08-2006 2. GovtLetter.32325/mmd/i/2000-4 Dated 06-02-2001	Raw Magnesite. &Dunite

3. The District (s) in which the  
Applicant is assessed for  
Mining Dues and where payment  
is made

; Salem District

4. Particulars concerning Royalty and other payments for the preceding five financial years

Preceding Period	Royalty		Surface Rent & Compensation Amount		Total	
	Demand Rs.	Collection Rs.	Demand Rs.	Collection Rs.	Demand Rs.	Collection Rs.
2000-01	113058	113058	30198	30198	143256	143256
2001-02	923448	923448	30198	30198	953646	953646
2002-03	777277	777277	30198	30198	807475	807475
2003-04	4187931	4196747	30198	30198	4218129	4226945
2004-05	3923244	3923265	30198	30198	3953442	3953463
<b>Total</b>	<b>9924958</b>	<b>9933795</b>	<b>150990</b>	<b>150990</b>	<b>10075948</b>	<b>10084785</b>

P.T.O.

5. (a) Total Mineral Revenue Assessed/ Liable to be paid by the applicant: Less :	10075948
(b) Mineral Revenue Paid	10084785
(c) Excess paid Mineral Revenue	8837

Note:

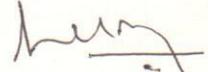
Approval of the Government for the proposal of the company for adjustment of the deposit of Rs.17.50 lakhs with interest ,against Royalty on Raw magnesite is yet to be decided and refundable by the Government.

Instructions:

1. Separate Statements For Different leaseholds and District should be attached.
2. If any dues remain unpaid the reason should be explained in the attached statement.
3. It must be declared whether any attachment or court proceedings is pending in respect of arrears.  
( furnish full particulars)

I declare that the above information is correct and complete to the best of my information and belief.

For DALMIA CEMENT (BHARAT) LTD.  
C/o. Dalmia Magnesite Corporation,



DY. GENERAL MANAGER (ACCIS.)  
Signature of the Applicant

Place: Salem  
Date: 20-09-2005

Roc. 1250/2005/Mines-A/

Collectorate, Salem.  
Dated 31-12-2005.

- (1) The Certificate is valid for one year from the date of issue.
- (2) This Certificate issued subject to the condition that the lessee shall be liable to pay any arrears if found in future based on the audit objections/further verification of records ,etc.,
- (3) This amount of Rs. 17.50 Lakhs is deposited for L.C. and L.C.S. only and is not connected with the Royalty amount

Place: Salem  
Date:

  
COLLECTOR 31/12/05  
SALEM  
Signature of the Issuing Authority

6  
27-12-05

APPENDIX

(See Rules 9 (2) (d) of M.C.R. 1960)

Mining Dues Clearance Certificate

1. Name & Address of the Applicant. : Tvl. Dalmia Cement (Bharat ) Ltd. ,  
C/o Dalmia Magnesite Corporation,  
Salem-636012
2. Details of the quarrying :  
Lease or Permit obtained by  
The applicant and penalty,  
If any, levied on the applicant  
in the state of Tamilnadu.  
Location of the Mining Area  
District Taluk Village Order No & Date Name of the  
S.No. & Extent By which Mining Right Mineral(s)  
was obtained by the  
Applicant and penalty  
If any levied on the applicant
- Salem Salem Chetti chavadi Jaghir 1. G.O.No.74.Ind.Dept Raw Magnesite.  
Dtd.11-04-1997. &Dunite
- Survey no.6 20 years-  
1314-Acres 20-08-1986 to 19-08-2006  
2. Govt Letter.32325/mmd/i/2000-4  
Dated 06-02-2001
3. The District (s) in which the Applicant is assessed for Mining Dues and where payment is made Salem District
4. Particulars concerning Royalty and other payments for the preceding five financial years

Preceding Period Year	Royalty		Surface Rent & Compensation		Total	
	Demand Rs.	Collection Rs.	Demand Rs.	Collection Rs.	Demand Rs.	Collection Rs.
2001-02	923448	923448	30198	30198	953646	953646
2002-03	777277	777277	30198	30198	807475	807475
2003-04	4187931	4196747	30198	30198	4218129	4226945
2004-05	3923244	3923265	30198	30198	3953442	3953463
2005-06	3445151	3436335	30198	30198	3475349	3466533
Total	13257051	13257072	150990	150990	13408041	13408062

Contd.,

-2-

5. (a) Total Mineral Revenue Assessed/ Liable to be paid by the applicant:	13408041
Less :	
(b) Mineral Revenue Paid	13408062
(c) Excess paid Mineral Revenue	21

Note:

Approval of the Government for the proposal of the company for adjustment of the deposit of Rs.17.50 lakhs with interest ,against Royalty on Raw magnesite is yet to be decided and refundable by the Government.

Instructions:

- (1) Separate Statements For Different leaseholds and District should be attached.
- (2) If any dues remain unpaid the reason should be explained in the attached statement.
- (3) It must be declared whether any attachment or court proceedings is pending in respect of arrears. ( furnish full particulars)

I declare that the above information is correct and complete to the best of my information and belief.

For DALMIA CEMENT (BHARAT) LTD,  
C/o. Dalmia Magnesite Corporation,

Deputy General Manager(Accounts)  
Signature of the Applicant

Place: Salem  
Date : 18-01-2007

Roc. 28/2007/Mines-A/

Collectorate ,Salem.  
Dated 08.2.2007

- (1) The Certificate is valid for one year from the date of issue.
- (2) This Certificate issued subject to the condition that the lessee shall be liable to pay any arrears if found in future based on the audit objections/further verification of records ,etc.,
- (3) This amount of Rs.17.50Lakhs is depositedfor L.C.andL.C.S.C. only and is not connected with the Royalty amount

Place: Salem  
Date: 08.2.2007



COLLECTOR,  
SALEM. 3/3  
Signature of the Issuing Authority

2.2007.

APPENDIX  
( See Rules 9 (2) (d) of M.C.R. 1960 )

**Mining Dues Clearance Certificate**

1 Name & Address of the Applicant

Tvl. Dalmia Cement ( Bharat ) Ltd  
C/o Dalmia Magnesite Corporation  
Salem – 636 012

2 Details of the Quarrying :

Lease or Permit obtained by the applicant  
and penalty, if any, levied on the applicant  
in the State of Tamilnadu

Order No. & Date by  
which Mining right  
was obtained by the  
Applicant and penalty  
if any, levied on the  
applicant

Name  
of the  
Mineral (s)

Location of the Mining Area :

District	Taluk	Village
		S.No & Extent
		Chetti Chavadi
Salem	Salem	Jaghir
		Survey No. 6
		1314 Acres

G.O. No. 74 -Ind. Dept  
dated 11.03.1997 for  
20 Years : 20.08.86 –19.08.06  
and as per Order of Injunction  
passed in M.P.No. 1 of 2006 in  
W.P. Nos. 25518 & 25519 of  
2006 of Hon'ble High Court of  
Madras.

Raw-  
Magnesite  
&  
Dunite

3 The District (s) in which the applicant is  
assessed for Mining dues where payment is made

Salem District.

4 Particulars concerning Royalty and other payments for the preceding Five Financial Years :

Preceding Period Year	Raw-Magnesite		Dunite		Surface Rent & Compensation		Total	
	Demand ( Rs)	Collection ( Rs)	Demand ( Rs)	Collection ( Rs)	Demand ( Rs)	Collection ( Rs)	Demand ( Rs)	Collection ( Rs)
2004-05	3878340	3878340	44904	44904	30198	30198	3953442	3953442
2005-06	3411173	3411173	33978	33978	30198	30198	3475349	3475349
2006-07	4488033	4362500	88749	42000	30198	30198	4606980	4434698
2007-08	3326553	3078744	108248	101813	30198	30198	3464999	3210755
2008-09	3666876	3917600	87677	97200	30198	30198	3784751	4044998
Remitted On 02.11.09		122618		43661			0	166279
<b>Total</b>	<b>18770975</b>	<b>18770975</b>	<b>363556</b>	<b>363556</b>	<b>150990</b>	<b>150990</b>	<b>19285521</b>	<b>19285521</b>

Contd ... 2

: 2 :

5(a) Total Mineral Revenue Assessed / Liable to be paid by the applicant	19285521
(b) Mineral Revenue Paid	19285521
(c) Unpaid Mineral Revenue	NIL

Note :

Approval of the Government for the proposal of the company for adjustment of the deposit of Rs. 17-50 Lakhs with interest against Royalty on the Raw-Magnesite is yet to be decided and refundable by the Government.

Instructions :

- 1 Separate Statements for different leaseholds and District should be attached.
- 2 If any dues remain unpaid, the reason should be explained in the attached statement.
- 3 It must be declared whether any attachment or Court proceedings is pending in respect of arrears. ( furnish full particulars )

I declare that, the above information is correct and complete to the best of my information and belief.

For DALMIA CEMENT (BHARATI) LTD.  
C/o. Dalma Magnesite Corporation

Place : Salem  
Date : 03/11/2009

D.G.M. (Accounts)  
Signature of the Applicant

Roc : 25 / 2009 / Mines – B

O/o the Deputy Director of  
Geology & Mining, Salem.

- 1 The Certificate is valid for One year from the date of issue.
- 2 This Certificate is issued subject to the condition that, the lessee shall be liable to pay any arrears if found in future, based on the audit objections / further verification of records etc.,
- 3 The amount of Rs. 17-50 Lakhs is deposited for LC & LCSC only, and is not connected with the Royalty amount.

Place : Salem  
Date : 11-2009



Signature of the Issuing Authority  
28.11.29  
DEPT. OF GEOLOGY & MINING  
SALEM.

27/11/09

APPENDIX  
( See Rules 9 (2) (d) of M.C.R. 1960 )

Mining Dues Clearance Certificate

1 Name & Address of the Applicant Tvl. Dalmia Bharat Sugar and -  
Industries Ltd.  
(Formerly known as Dalmia -  
Cement ( Bharat ) Ltd.)  
C/o Dalmia Magnesite Corporation  
Salem – 636 012

2 Details of the Quarrying : Order No. & Date by  
which Mining right  
was obtained by the  
Applicant and penalty  
if any, levied on the  
applicant Name  
of the  
Mineral (s)

Lease or Permit obtained by the applicant  
and penalty, if any, levied on the applicant  
in the State of Tamilnadu

Location of the Mining Area : G.O. No. 74 -Ind. Dept  
dated 11.03.1997 for  
20 Years : 20.08.86 –19.08.06  
and as per Order of Injunction  
passed in M.P.No. 1 of 2006 in  
W.P. Nos. 25518 & 25519 of  
2006 of Hon'ble High Court of  
Madras. Raw-  
Magnesite  
&  
Dunite

District	Taluk	Village	S.No & Extent
Salem	Salem	Chetti Chavadi Jaghir	Survey No. 6 <u>1314 Acres</u> 449.364 Hect

3 The District (s) in which the applicant is  
assessed for Mining dues where payment is made Salem District.

4 Particulars concerning Royalty and other payments for the preceding Five Financial Years :

Preceding Period Year	Raw-Magnesite		Dunite		Surface Rent		Total	
	Demand (Rs)	Collection (Rs)	Demand (Rs)	Collection (Rs)	Demand (Rs)	Collection (Rs)	Demand (Rs)	Collection (Rs)
2007-08	3326553	3326553	108248	108248	30198	30198	3464999	3464999
2008-09	3666876	3666876	87677	87677	30198	30198	3784751	3784751
2009-10	3103487	3154250	484970	499350	30198	30198	3618655	3683798
2010-11	3535802	3545500	118565	75600	30198	30198	3684565	3651298
2011-12	2040229	2079250	322130	400000	30198	30198	2392557	2509448
<b>Total</b>	<b>15672947</b>	<b>15772429</b>	<b>1121590</b>	<b>1170875</b>	<b>150990</b>	<b>150990</b>	<b>16945527</b>	<b>17094294</b>

Contd ... 2

: 2 :

5(a) Total Mineral Revenue Assessed / Liable to be paid by the applicant	Rs. 16945527
(b) Mineral Revenue Paid	17094294
(c) Excess paid Mineral Revenue	148767

Note :

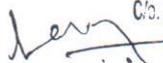
Approval of the Government for the proposal of the company for adjustment of the deposit amount of Rs.17.50 Lakhs with interest against Royalty on the Raw-Magnesite / Dunite is yet to be decided and refundable by the Government.

Instructions :

- 1 Separate Statements for different leaseholds and District should be attached.
- 2 If any dues remain unpaid, the reason should be explained in the attached statement.
- 3 It must be declared whether any attachment or Court proceedings is pending in respect of arrears. ( furnish full particulars )

I declare that, the above information is correct and complete to the best of my information and belief.

For DALMIA BHARAT SUGAR AND INDUSTRIES LTD.  
C/o. DALMIA MAGNESITE CORPORATION



Place : Salem  
Date : /05/2013

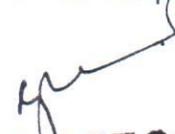
D.G.M. ( Accounts )  
Signature of the Applicant

Roc : 213/2013 / Mines – A

The Collectorate,  
Salem.

- 1 The Certificate is valid for One year from the date of issue.
- 2 The Certificate is issued subject to the condition that, the lessee shall be liable to pay any arrears if found in future, based on the audit objections / further verification of records etc.,
- 3 The amount of Rs. 17.50 Lakhs is deposited for LC & LCSC only, and is not connected with the Royalty amount.
- 4 After raising demand for annual compensation, the lessee is liable to pay the amount.

Place : Salem  
Date :

  
**COLLECTOR**  
Signature of the Issuing Authority  
**SALEM**

  
Collector.

  
21/11/13

APPENDIX  
( See Rules 9 (2) (d) of M.C.R 1960 )

**Mining Dues Clearance Certificate**

<p>1. Name &amp; Address of the Applicant</p>	<p>Tvi. Dalmia Bharat Sugar and Industries Ltd. ( Formerly known as Dalmia Cement ( Bharat ) Ltd.) C/o. Dalmia Magnesite Corporation, Salem – 636 012.</p>							
<p>2. Details of the Quarrying : Lease or Permit obtained by applicant and Penalty, if any, levied on the applicant in the State of Tamilnadu.</p> <p>Location of the Mining area : District : Salem Taluk : Salem Village : Chetti Chavadi Jaghir S.No. &amp; Extent : Survey No. 6/1 - 449.364 Hectares</p>	<p>Order No. &amp; Date by which Mining right was obtained by the Applicant and penalty, If any, levied on the applicant</p>				<p>Name of the Mineral (s)</p>			
<p>3. The District (s) in which the applicant is assessed for Mining dues where payment is made</p>	<p>G.O. No. 74 – Ind. Dept dated 11.03.1997 for 20 Years : 20.08.86 – 19.08.06 and as per order of Injunction passed in M.P No. 1 of 2006 in W.P.Nos. 25518 and 25519 of 2006 of Hon'ble High Court of Madras.</p>				<p>Raw Magnesite &amp; Dunite.</p>			
<p>4 Particulars concerning Royalty and other payments for the preceding Five Financial Years :</p>								
Preceding Period Year	Raw- Magnesite		Dunite		Surface Rent		TOTAL	
	Demand (Rs)	Collection (Rs)	Demand (Rs)	Collection (Rs)	Demand (Rs)	Collection (Rs)	Demand (Rs)	Collection (Rs)
2009-10	3103487	3154250	484970	499350	30198	30198	3618655	3683798
2010-11	3535802	3545500	118565	75600	30198	30198	3684565	3651298
2011-12	2040229	2079250	322130	400000	30198	30198	2392557	2509448
2012-13	820569	738500	1393818	998000	30198	30198	2244585	1766698
2013-14	560502	564585	447191	1030482	30198	30198	1037891	1625265
<b>TOTAL:</b>	10060589	10082085	2766674	3003432	150990	150990	12978253	13236507

Contd ....2

: 2 :

	Rs.
5 (a) Total Mineral Revenue Assessed / Liable to be paid by the applicant	12978253
(b) Mineral Revenue paid	13236507
(c) Excess paid Mineral Revenue	258254

Note :

Approval of the Government for the proposal of the company for adjustment of the deposit amount of Rs. 17.50 Lakhs with interest against Royalty on the Raw Magnesite / Dunite is yet to be decided and refundable by the Government.

Instructions :

- 1 Separate Statements for different leaseholds and District should be attached.
- 2 If any dues remain unpaid, the reason should be explained in the attached statement.
- 3 It must be declared whether any attachment or Court proceedings is pending in respect of arrears. (furnish full particulars)

I declare that, the above information is correct and complete to the best of my information and belief.

For DALMIA BHARAT SUGAR AND INDUSTRIES LTD.  
Co. DALMIA MAGNESITE CORPORATION



DGM (Accounts)

Signature of the Applicant

Place : Salem  
Date : 30.12.2014

Roc : 21 / 2014 / Mines - A

The Collectorate,  
Salem.

- 1 The Certificate is valid one One year from the date of issue.
- 2 The Certificate is issued subject to the condition that, the lessee shall be liable to pay any arrears if found In future, based on the audit objections / further verification of records etc.,
- 3 The amount of Rs. 17.50 Lakhs is deposited for LC & LCSC only, and is not connected with the Royalty amount.
- 4 After raising demand for annual compensation, the lessee is liable to pay the amount.

Place : Salem  
Date : 02.02.2015

Signature of the Issuing Authority

COLLECTOR  
SALEM

30/1/15

30/1/15

30/1/15

51

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**  
**(Special Original Jurisdiction)**

**W.P.No.889 of 2020**

M/s.Dalmia Bharat Sugar & Industries Ltd.,  
(Previously known as Dalmia Cements (Bharat) Ltd.,  
a Company incorporated under the Indian  
Companies Act 1913, having its registered office at  
Dalmiapuram, District, 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 Managing Director, Jai Hari Dalmia

....Petitioner

- Vs -

1. The State of Tamil Nadu,  
Rep by its Secretary to Government,  
Department of Industries,  
Fort St. George,  
Chennai-600 009.
2. The District Collector,  
Collectorate,  
Salem-636 001.
3. Ministry of Environment,  
Forests and Climates Change,  
Government of India,  
New Delhi-110003.

....Respondent

**COUNTER AFFIDAVIT FILED BY THE SECOND RESPONDENT**

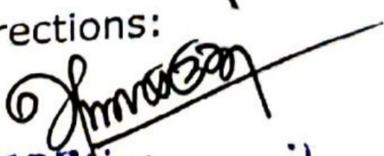
I, S.A.Raman S/o.(Late) S.S. Ananthaian Hindu aged about 46  
years residing at Collector's Bungalow, Yercaud road,  
Salem - 636 007 do hereby solemnly affirm and sincerely state as  
follows.

2) I am the 2<sup>nd</sup> respondent herein and I am well acquainted with  
the facts of the case from records. I have read the affidavit filed by the  
petitioner in support of the above writ petition and I deny all the  
allegations contained therein except those that are specifically admitted  
herein.

3) It is submitted that, earlier Shri.K.Rengasari and  
Shri.Ramasami the Jahirdars of the Chettichavadi village, Salem Taluk,

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Salem District entered into an agreement with the District Collector, Salem to mine Magnesite & Chromite in the Jaghir area of Salem. Subsequently, the Magnesite Corporation of India Ltd, Trichy had purchased the village from the registered holders and requested the District Collector, Salem to transfer the mining lease agreement executed previously with Jahirdars to carry out the mining operations. Thereafter, Tvl.Magnesite Corporation of India has entered into an agreement with the District Collector, Salem to carry out the mining operation over an extent of 493.26 Acre and same was registered on 10.11.1945.

4) It is submitted that, Tvl.Dalmia Cements (Bharat) Limited, Trichy had carried out the mining operation over an extent of 893.10 Acre by way of temporary permission as per the procedure prescribed in Government proceedings No.5303 development, dated 28.12.1950, in addition to the area held by M/s. Magnesite Corporation of India.

5) It is further submitted that, the entire estate of Chettichavadi Jaghir was taken over by the Government under Madras Inam Estate (Abolition and Conversion into Ryotwari) Act, 1963. The Government have decided to grant mining lease to the Dalmia Cement (Bharat) Ltd treating the land as Government land.

6) It is submitted that, the Government vide G.O.No.903 Department of Industries, Labour, and Corporation dated 25.02.1966 have granted mining lease over an extent of 1386.36 Acre and subsequently amended as 1419.08 Acre, in Chettichavadi Jaghir village Salem Taluk, Salem for a period of 20 years to the afore said company.

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7) It is submitted that, the Government vide G.O.Ms. No. 801 Industries department dated 26.06.1976 granted another mining lease to Tvl.Dalmia to mine Dunite for a period of 10 years over an extent of 1314 acres, in the Chettichavadi Village, Salem Taluk, Salem District.

8) It is submitted that, the lease granted to Tvl.Dalmia Cements expired on 19.08.1986. In the mean while Tvl.Dalmia Cements Limited applied for first renewal of mining lease over the said area for the period of 20 years. The Government decided to reserve the area in favour of Tvl. TANMAG (A State Government undertaking). Tvl.Dalmia Cements filed a writ petition No.12358/86 in the High Court of Madras with a prayer to grant renewal and also not to interfere with the Rights of the Company in the entire lease hold area. The High Court in its order dated 17.11.1986 made an interim injunction and the petitioner continued the mining operation. Tvl.Dalmia Cements also filed an renewal application for Dunite. The company filed another writ petition in W.P.No.7531 of 1987 requesting to pass an order in Renewal application.

9) It is submitted that, in this circumstances, the Government vide in G.O.Ms.No.74 industries (MMD1) department dated 11.03.1997 have granted first renewal of mining lease to the petitioner for mining Magnesite and Dunite and make them co-terminus in the said area in S.F.No. 6 of Chettichavadi Village, Salem District classified as unassessed waste dry for a period of 20 years from 20.08.1986 to 19.08.2006 subject to certain conditions that all dues to the

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Government including the surface rent from the date of deemed renewal i.e. from 20.08.1986 should be paid by the petitioner at the time of execution of lease deed.

10) It is submitted that, the petitioner filed a writ petition No. 12358 of 1986 in the Hon'ble High Court of Madras. The Hon'ble High Court of Judicature at Madras in its order dated 01.08.1997 in W.P.No. 12358 of 1986 had disposed the writ petition with the direction to execute the lease deed in favour of the petitioner. It is also clarified that in order to execute the lease deed, if the petitioner is required to discharge any reciprocal obligation, within the period of eight weeks shall commence from the date on which the petitioner discharges the reciprocal obligation, as per rules.

11) With regard to the averments made in para 2 and 3 of the affidavit, it is submitted that, the Director, MoEF vide letter dated 03.04.2017 informed the State Government stating that as per Notification S.O.No.141 (E) dated 15.01.2016, all the mining leases (major mineral as well as minor minerals) operating in the country are required to obtain environment clearance after 15.01.2016 as per the provisions contained in EIA Notification 2006 as amended. The mining leases which continue to operate without obtaining environment clearance after 15.01.2016 shall be considered as violation cases and the same shall be dealt in accordance with violation policy under the EIA Notification 2006 as amended. The Hon'ble Supreme Court by order dated 02.08.2017 in the matter of Common Cause Vs. Union of India and others held that if any mining operation is conducted in violation of

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in any of the statutory requirements such as the EPA, the FCA, the Water Act, 1974 and the Air Act, 1981, then that mining operation is illegal or unlawful. Any extraction of a mineral through illegal or unlawful mining operation would become illegally or unlawfully extracted mineral. The Hon'ble Supreme Court further held that there can be no compromise on the quantum of compensation that should be recovered from any defaulting lessee - it should be 100%. In the instant case, the petitioner had mined and transported a total quantum of 1,75,159.309 M.T of Dunite from the Magnesite and Dunite lease area without obtaining environment clearance from the authority concerned. Based on the instruction and judgment the respondent had issued notice.

It is submitted that, the present Writ petition is being filed for the issue of a Writ of Certiorari or any other appropriate Writ, direction or order of a like nature to quash the Memo dated 18.06.2019 vide Roc.No. 45/2018-D-a/Mines-A of the District Collector, Salem-636 001, issued by the 2<sup>nd</sup> Respondent, that the Petitioner, is directed to pay 100% compensation on price of the Dunite mineral produced in excess quantity of base year 1993-94 in between 01.04.2000 to 31.03.2018 amounting to Rs.11,44,30,605/- (Rupees Eleven crores forty four lakhs thirty thousand six hundred and five only), the amount of the compensation to be paid to the 1<sup>st</sup> Respondent. The contention is wrong because the cost of mineral was fixed as per Hon'ble Supreme Court Judgment, based on the Judgment the cost of mineral was fixed and issued a notice there is no violation.

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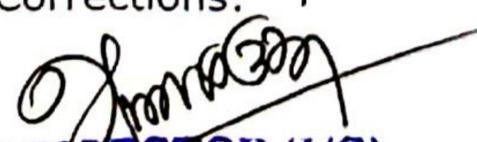
  
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12) With regard to the averments made in para 4 of the affidavit, it is submitted that, the Government vide G.O.No.903 Department of Industries, Labour, and Corporation dated 25.02.1966 have granted mining lease over an extent of 1386.36 Acre and subsequently amended as 1419.08 Acre, in Chettichavadi Jaghir village Salem Taluk, Salem for a period of 20 years to the afore said company. The Government vide G.O.Ms.No. 801 Industries department dated 26.06.1976 granted another mining lease to Tvl.Dalmia to mine Dunite for a period of 10 years over an extent of 1314 acres, in the Chettichavadi Village, Salem Taluk, Salem District. The lease granted to Tvl.Dalmia Cements expired on 19.08.1986. In the mean while Tvl.Dalmia Cements Limited applied for first renewal of mining lease over the said area for the period of 20 years. The Government decided to reserve the area in favour of Tvl. TANMAG (A State Government undertaking). Tvl.Dalmia Cements filed a writ petition No.12358/86 in the High Court of Madras with a prayer to grant renewal and also not to interfere with the Rights of the Company in the entire lease hold area. The High Court in its order dated 17.11.1986 made an interim injunction and the petitioner continued the mining operation. Tvl.Dalmia Cements also filed an renewal application for Dunite. The company filed another writ petition in W.P.No.7531 of 1987 requesting to pass an order in Renewal application.

13) With regard to the averments made in para 5 of the affidavit, it is submitted that, the petitioner right can be exercised as per the amended act provision as per the section 8A(5) of Mines and Minerals (Development and Regulation) Act, 1957 (Amended 2015).

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But, the petitioner has to produce the Environmental Clearance Certificate which is a statutory requirement to execute the lease deed and to start mining operation.

14) With regard to the averments made in para 6, 7, 8 and 9 of the affidavit, it is submitted that, the petitioner application was received 11.07.2005. But, the cost of mineral was calculated only for Dunite excavated for a period from 01.04.2000 to 31.08.2018. It is no way connected with the renewal of lease and with regard to area of lease.

15) With regard to the averments made in para 10, 11, 12 and 13 of the affidavit, it is submitted that, the said paras related to only the renewal of lease application of the petitioner. It is not related to the fixation of cost of mineral, as per the section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 on stipulated by Hon'ble Supreme Court in W.P.(Civil).No.114 of 2014 dated 02.08.2017 and as per Ministry of Environment, Forest and Climate Change (IA-III Section), Government of India Office Memorandum No.3-50/2017-IA.III(Pt) dated 30.05.2018. Cost of mineral was calculated for the minerals excavated without Environmental Clearance for a period from 01.04.2000 to 31.08.2018 for a quantity of 1,75,159.309 M.T.

16) With regard to the averments made in para 14 of the affidavit, it is submitted that, in pursuance of the Notification S.O.No.141 (E) dated 15.01.2016 issued by the MoEF all the District Collectors have been requested to constitute District Level Expert Appraisal Committee (DEAC) and District Level Environment Impact

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Assessment Authority (DEIAA) for disposal of the applications seeking for environment clearance under Category "B2" for mining of minor minerals. Accordingly, the DEIAA and DEAC have been constituted vide proceedings of the District Collector, Salem vide proceedings of the Chairman/ District Collector, Salem vide 80/2017/ Mines-A dated 13.02.2017.

17) With regard to the averments made in para 15 of the affidavit, it is submitted that, the contention of the petitioner stated that, the renewal application was submitted one year before the expiry of lease period. But, the cost of mineral was calculated the mineral excavated for the period 01.04.2000 to 31.08.2018 without Environmental Clearance as per Ministry of Environment, Forest and Climate Change (IA-III Section), Government of India Office Memorandum No.3-50/2017-IA.III(Pt) dated 30.05.2018.

18) With regard to the averments made in para 16 of the affidavit, it is submitted that, even though the petitioner submitted the application to Ministry of Environmental and Forest, but he has not submitted the Clearance Certificate.

19) With regard to the averments made in para 17 of the affidavit, it is submitted that, the petitioner stated para 17 (1) to 17 (8) only the what are the Rules amended by the Government of India as per the Mines and Mineral (Development and Regulation) Amended Act 2015. But, the petitioner was not obtained Environmental Clearance Certificate from the concerned authority, since the cost of mineral was

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calculated the mineral excavated for the period 01.04.2000 to 31.08.2018 without Environmental Clearance as per Ministry of Environment Forest and Climate Change Notification S.O.804(E) dated 14.03.2017 and as per Ministry of Environment, Forest and Climate Change (IA-III Section), Government of India Office Memorandum No.3-50/2017-IA.III(Pt) dated 30.05.2018.

20) With regard to the averments made in para 18 of the affidavit, it is submitted that, contention of the first part of the petitioner is correct. The lease is extended upto as per the Mines and Mineral (Development and Regulation) Amended Act, 2015. But, the petitioner has not produced to the Environmental Clearance Certificate. So, the cost of mineral has been assessed.

21) With regard to the averments made in para 19, 20 and 21 of the affidavit, it is submitted that, the petitioner stated about the renewal of lease not about the cost of mineral. Further, submitted that the Hon'ble Supreme Court by order dated 27.02.2012 in I.A.No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2019 in the matter of Deepak Kumar Vs. State of Haryana and others has inter alia ordered that leases of minor minerals including their renewal for an area less than 5.00.0 hecets. be granted by the State / Union Territory only after getting environment clearance from the Ministry of Environment & Forest. In order to ensure compliance of the aforesaid order of the Hon'ble Supreme Court, an Office Memorandum No.L-11011/47/2011-IA II (M) dated 18.05.2012 was issued by the MoEF stating inter alia that all mining projects of minor minerals including

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their renewal, irrespective of the size of the lease would henceforth require prior environment clearance and that the projects of minor minerals with lease area less than 5.00.0 hec. would be treated as Category "B" as defined in EIA Notification, 2006 and will be considered by the respective State Environment Impact Assessment Authorities notified by MoEF and following the procedure prescribed under the EIA Notification, 2006.

22) With regard to the averments made in para 22 of the affidavit, it is submitted that petitioner stated about the difference between the Magnesite and Dunite mineral. But, he not stated the cost of mineral and he stated about the renewal of lease.

22) With regard to the averments made in para 23 of the affidavit, it is submitted that, the cost of mineral was calculated only based on the production of the mineral for the said period. There is no excessive calculation beyond the production.

23) With regard to the averments made in para 24 of the affidavit, it is submitted that, the contention of the petitioner first part is correct. Under Section 8A(5) of Mines and Minerals (Development and Regulation) Amended Act 2015, the extension of the lease was renewed. But, not submitting the Environmental Clearance Certificate, as per the mandatory provisions the petitioner application was not processed and it will sent to the Government for Order after the fulfillment of statutory requirement. Further, the mining operations was temporarily suspended. But the petitioner had operated the mining for

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the period 01.04.2000 to 31. 08.2018. So, the cost of mineral was assessed for the above said period only taking the maximum production into base year 1993-94 as per the guidelines dealt Hon'ble Supreme Court of India Order in W.P. (Civil).No.114 of 2014 dated 02.08.2017.

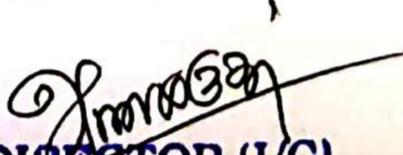
24) With regard to the averments made in para 25 and 26 of the affidavit, it is submitted that, as per Government of India Notification S.O.423 (E) dated 10.02.2015 had declared Dunite as minor mineral. Subsequently, the notification the Government of Tamil Nadu have issued G.O.(Ms).No. 70 Industries (M.M.C.1) Department dated 22.04.2016. But, the petitioner has not submit the Environmental Clearance. So, the cost of mineral was assessed for the period from 10.04.2000 to 31.08.2018.

25) With regard to the averments made in para 27 of the affidavit, it is submitted that, the Hon'ble Supreme Court in the matter of Common Cause Vs. Union of India and others held that there can be no compromise on the quantum of compensation that should be recovered from any defaulting lessee - it should be 100%. In the instant case, the petitioner had mined and transported a total quantum of 1,75,159.309 M.T of Dunite from the lease area without obtaining environment clearance from the authority concerned. Therefore the orders passed by the District Collector for recovering the cost of mineral for the quantum of mineral mined without obtaining Environmental clearance is legally tenable.

26) With regard to the averments made in para 28 of the affidavit, it is submitted that, the petitioner contention is correct.

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But, the petitioner's company is responsible clearance of the internal queries by Ministry of Environmental and Forest (MoEF). It is the responsibility of the petitioner to submit Environmental Clearance Certificate to run the mines. But, the petitioner not produced Environmental Clearance Certificate. But, the cost of mineral calculation in the notice is the quantity of mineral excavated for the said period only.

27) With regard to the averments made in para 29 of the affidavit, it is submitted that, the cost of mineral was calculated as per the direction of the Hon'ble Supreme Court of India in W.P.No.114 of 2014 dated 02.08.2017. On the basis of the Judgment Government India have issued Ministry of Environment, Forest and Climate Change, Notification S.O.804(E) dated 14.03.2017. Wherein Para 12(3), in cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of Section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted the Environmental Clearance.

28) With regard to the averments made in para 30 of the affidavit, it is submitted that, the petitioner stated about the previous history of the mines operation. The cost of mineral was calculated only by the base year 1993-94 and calculated from 01.04.2000 to 31.08.2018 as per the direction of the Hon'ble Supreme Court of India W.P.(Civil) No.114 of 2014 dated 02.08.2017 and subsequent guidelines issued by the Government of India. Ministry of Environment, Forest and Climate Change Notification S.O.804(E) dated 14.03.2017

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and as per Ministry of Environment, Forest and Climate Change (IA-III Section), Government of India Office Memorandum No.3-50/2017-IA.III(Pt) dated 30.05.2018.

29) With regard to the averments made in para 31 of the affidavit, it is submitted that, the petitioner stated about the granting of license for Dunite mineral, but in this case about the cost of mineral assessed to the company as per the direction of the Hon'ble Supreme Court of India W.P.(Civil) No.114 of 2014 dated 02.08.2017 and subsequent guidelines issued by the Government of India. Ministry of Environment, Forest and Climate Change Notification S.O.804(E) dated 14.03.2017 and as per Ministry of Environment, Forest and Climate Change (IA-III Section), Government of India Office Memorandum No.3-50/2017-IA.III(Pt) dated 30.05.2018.

30) With regard to the averments made in para 32 of the affidavit, it is submitted that, the contention of the petitioner is wrong. As stated by the petitioner the Environmental Clearance Certificate was not required for 1994. But as per the direction of the Hon'ble Supreme Court of India W.P.(Civil) No.114 of 2014 dated 02.08.2017 and subsequent guidelines issued by the Government of India and Ministry of Environment, Forest and Climate Change Notification S.O.804(E) dated 14.03.2017 and as per Ministry of Environment, Forest and Climate Change (IA-III Section), Government of India Office Memorandum No.3-50/2017-IA.III(Pt) dated 30.05.2018. The cost of mineral was assessed.

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31) With regard to the averments made in para 33 of the affidavit, it is submitted that, the base year was selected only the production of the excavated mineral excess the normal quantity of year i.e., 1993-94 was taken as base year. Based on this the cost of mineral was assessed.

32) With regard to the averments made in ground 1 of the affidavit, it is submitted that, based on the judgment of Hon'ble Supreme Court of India W.P.(Civil) No.114 of 2014 dated 02.08.2017. The Government have issued Ministry of Environment, Forest and Climate Change (IA-III Section), Government of India Office Memorandum No.3-50/2017-IA.III(Pt) dated 30.05.2018. Based on this the cost of mineral was assessed. It is as per law not against the law.

33) With regard to the averments made in ground 2 of the affidavit, it is submitted that, the contention of the petitioner is grievance one. But, as per the Judgment Hon'ble Supreme Court of India, the base year was taken and calculated the cost of mineral for the said period. In judgment of Hon'ble Supreme Court of India in W.P (Civi).No.114 of 2014 dated 02.08.2017, in para No.155 of page No.81, which says.

*" A submission made by the mining lease holders was that the maximum production in any year upto 1993-94 should be considered as the base for making the calculations. Such a contention was also urged before the CEC and was rejected. We have examined this contention independently and are of the view that the base year 1993-94 is most appropriate – we have already given our reasons for this. Some lessees might lose in the process while some of them might benefit but that cannot be avoided. In any event, each mining lease holder is being given the benefit of calculations only from 2000-01 and is not being*

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'penalized' for the period prior thereto. We think the mining lease holders should be grateful for this since it was submitted by learned counsel for the petitioners and the learned Amicus that the penalty should be levied from the date of EIA 1994. In our opinion, the cut-off from 2000-01 (without interest) is undoubtedly reasonable and there can be hardly be any grievance in this regard. The mining lease holders cannot have their cake and eat it too, along with the icing on top".

Hence, there is no violation in the fixation of cost of mineral and it is in order as per law.

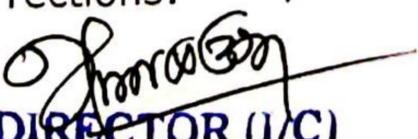
34) With regard to the averments made in grounds 3 and 4 of the affidavit, it is submitted that, based on the judgment of Hon'ble Supreme Court of India W.P.(Civil) No.114 of 2014 dated 02.08.2017. The Government have issued Notification S.O.804(E) dated 14.03.2017. Based on this the cost of mineral was assessed. It is bases less allegation and calculated as per law not against the law.

35) With regard to the averments made in ground 5 of the affidavit, it is submitted that, the petitioner mines has been operating without Environmental Clearance. Hence, based on the judgment of Hon'ble Supreme Court of India W.P.(Civil) No.114 of 2014 dated 02.08.2017. The Government have issued Notification S.O.804(E) dated 14.03.2017. Based on this the cost of mineral was assessed.

36) With regard to the averments made in ground 6 and 7 of the affidavit, it is submitted that, even though the mining operations extended lease upto 31.03.2030 as per Hon'ble Supreme Court of India W.P.(Civil) No.114 of 2014 dated 02.08.2017 and the Government have issued Notification S.O.804(E) dated 14.03.2017 and as per Ministry of Environment, Forest and Climate Change (IA-III Section), Government

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of India Office Memorandum No.3-50/2017-IA.III(Pt) dated 30.05.2018.  
The Environmental Clearance Certificate is inevitable one. Hence, the  
based on the Judgment the cost of mineral calculation is correct.

37) With regard to the averments made in ground 8 of the  
affidavit, it is submitted that, the cost of mineral calculation is based on  
the Hon'ble Supreme Court of India W.P.(Civil) No.114 of 2014 dated  
02.08.2017. Hence it is legally assessed as per law and subsequent  
orders issued by MoEF, Government of India.

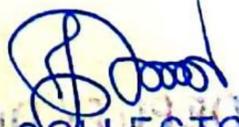
38) With regard to the averments made in ground 9 of the  
affidavit, it is submitted that, the transport permit issued to the  
transportation of Dunite issued as per Hon'ble High Court of Madras  
direction is illegal as per the Hon'ble Supreme Court of India W.P.(Civil)  
No.114 of 2014 dated 02.08.2017. However, if the Hon'ble High Court  
of Madras orders to exclude the quantity of Dunite permitted to  
transport from the cost of mineral calculation may be obliged by the 2<sup>nd</sup>  
respondent. So the assessment cost of mineral is as per law.

39) With regard to the averments made in ground 10 of the  
affidavit, it is submitted that, as the Hon'ble National Green Tribunal by  
order dated 13.01.2015 in the matter regarding sand mining has  
directed for making a policy on environment clearance for mining leases  
in cluster for minor minerals and the State Governments have  
represented for streamlining the process of environment clearance for  
mining of minor mineral, the Ministry of Environment, Forest and  
Climate Change herein after referred as MoEF vide their Notification  
S.O.141 (E) dated 15.01.2016 constituted District Level Environment

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Impact Assessment Authority and District Level Appraisal Committee for issuance of environment clearance under Category "B2" for mining of minor minerals.

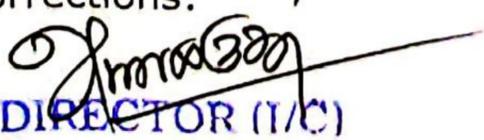
40) With regard to the averments made in ground 11 of the affidavit, it is submitted that, as per Hon'ble Supreme Court of India W.P.(Civil) No.114 of 2014 dated 02.08.2017 and the Government have issued Notification S.O.804(E) dated 14.03.2017 and as per Ministry of Environment, Forest and Climate Change (IA-III Section), Government of India Office Memorandum No.3-50/2017-IA.III(Pt) dated 30.05.2018 the cost of mineral calculation is within the limit of the authority concerned. It is not violative and opposed of the Principals of natural justice and is within the purview of the Hon'ble Supreme Court Order. There is no violation.

41) With regard to the averments made in ground 12 of the affidavit, it is submitted that, as per Hon'ble Supreme Court of India W.P.(Civil) No.114 of 2014 dated 02.08.2017. Based on the Hon'ble Supreme Court Order, the Government have issued Notification S.O.804(E) dated 14.03.2017 and as per Ministry of Environment, Forest and Climate Change (IA-III Section), Government of India Office Memorandum No.3-50/2017-IA.III(Pt) dated 30.05.2018. There is no violation it is applicable to all the States in India. There is no violation.

42) With regard to the averments made in prayer 1 of the affidavit, it is submitted that, there is no prima facie to the petitioner for challenging the Hon'ble Supreme Court Order and Government of India Notification Order. The petitioner got interim order only for the renewal of license not for fixation of cost of mineral.

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No. of Corrections: )

  
DEPUTY DIRECTOR (I/C)  
Dept. of Geology & Mining,  
SALEM.

  
COLLECTOR  
SALEM

43) With regard to the averments made in prayer 2 of the affidavit, it is submitted that, Order quoted in the paragraph not holds good in Tamil Nadu and there is no Notification issued the Government of India based on the High Court Judgment of Jarkand. There is no action is taken based on the judgment.

44) With regard to the averments made in prayer 3 of the affidavit, it is submitted that, the cost of mineral demand should be paid by the petitioner immediately. Hence, it is requested Hon'ble Court may in order to remit the whole amount Rs.11,44,30,605/- (Rupees Eleven crore forty four lakhs thirty thousand six hundred and five only) with single payment to the Government account. It is further submitted that the Hon'ble Supreme Court made it clear that mineral extracted without an EC or without FC or without both attract the provisions of Section 21(5) Mines and Minerals (Development and Regulation) Act, 1957 and 100% of the price of the illegally or unlawfully mined mineral must be compensated by the mining lease holder.

45) With regard to the averments made in prayer 4 (a) of the affidavit, it is submitted that, it is therefore most respectfully prayed that, this Hon'ble Court may be pleased to pass order to remit the amount in the demand notice issued by the District Collector, Salem vide Roc.No.45/2018/D1/Mines-A dated 18.06.2019.

46) With regard to the averments made in prayer 4 (b) of the affidavit, it is submitted that, not to grant interim injunction in memo Roc.No.45/2018/D1/Mines-A dated 18.06.2019 and dismiss the affidavit filed by the petitioner.

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No. of Corrections: )

  
**DEPUTY DIRECTOR,**  
**Dept. of Geology & Mining,**  
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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> Wed, Jul 6, 2022 at 9:13 PM

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Cc: POORNAM THANGAPERUMAL &lt;poornamt@yahoo.com&gt;, Rishwanth V S &lt;rishwanthvs@gmail.com&gt;

Sirs/Madam,

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

Please find attached, a scanned copy of the paper book(Volume V) filed on behalf of the 6th Respondent.

Kindly Acknowledge Receipt.

Yours faithfully

T.Poornam

Counsel for the 6th Respondent

--

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