

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Original Application No.213 of 2021

Between

S.Sakthivel,
Environmental Protection & Anti-Pollution Group,
S/o. PK Subramaniam,
Alagu Vinayakar Kovil Street,
Fairland, Salem-636016

--Petitioner

AND

1. The Secretary to Government of India,
Ministry of Environmental & Forest and Climate Change,
Indira Paryavaran Bhavan Jorbagh Road,
New Delhi-110003.
2. The Director,
Department of Geology and Mining,
Industrial Estate, Guindy, Chennai-32
3. The District Collector,
Collectorate, Salem-636001
4. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Siva Tower, 2nd Floor, Salem - 636 004.
5. The Member Secretary,
Central Ground water Authority,
Jam Nagar House,
18/11, Mansingh Road, New Delhi - 110 011.
6. The Managing Director,
M/s.Dalmia Bharath Sugar and Industries Ltd,
Chettichavadi Village, Jagir Magnesite and Dunite Mines,
Chettichavadi Village, Salem West Tk,
Salem - 636 012.

--Respondents

Additional Report filed by the Second Respondent

I, Thiru J.Jayakanthan, S/o. Jagadeeswaran , Hindu, aged about 55 years working as Commissioner, Department of Geology and Mining, Industrial Estate, Guindy, Chennai do hereby solemnly affirm and sincerely state as follows:-

I am the second respondent herein and I am well acquainted with the facts of the case from the records. I am filing this additional report in compliance to the order passed by this Hon'ble Tribunal on 17.05.2022. I am filing this additional report on behalf of the third respondent also.

2) It is submitted that, the orders passed by this Hon'ble Tribunal in Original Application No.213/2021 dated: 17.05.2022 under Para 3 are extracted here under:-

"Though, it is stated that prior to the said notification, the 6th respondent had applied for the Environmental Clearance admittedly there is no Environmental clearance as on date. About the illegal mining in the relevant paragraphs of the reports there is no clarity. Hence, the 6th respondent as well as the respondents 2 and 3 are directed to file an additional detailed report along with the supporting documents."

3) It is respectfully submitted that, the second respondent vide proceedings Rc.No.1355/MM9/2006 dated: 05.12.2021 formed three teams of officials from the Department of Geology and Mining to carry out detailed survey in the area granted for mining lease in favour of the sixth respondent in S.F.No. 6 over an extent of 574.46.0 Hects in Chettichavadi Village, Salem Taluk and District and also to assess the actual quantum of Magnesite and Dunite minerals mined and transported illegally by the sixth respondent by considering the parameter such as, total pit volume, mineral stocked in the subject area, dump stocks, recovery percentage of minerals, quantum of mineral transported by the sixth respondent with transport permits obtained from the office of the Department of Geology and Mining, Salem.

4) It is further submitted that, the team of officials had inspected the subject area and identified 32 numbers of mined out pits and 7 waste reject dumps in the lease hold area and 3 waste reject dumps in the non-leased out areas in Chettichavadi Village. The details of the mined out pits and its dimensions are demarcated in the sketch which is enclosed as **Annexure-I**.

5) It is further respectfully submitted that, the team of officials have reported that, a total quantity of 28,72,450 Metric Tonnes of Magnesite and 1,83,888 Metric Tonnes of Dunite had been transported by the 6th respondent with the transport permits obtained from the Office of the Deputy Director of Geology and Mining Salem. The details are furnished as **Annexure-II**. It is further reported by the team of officials that 7,730 Metric Tonnes of Magnesite and 11,851 Metric Tonnes of Dunite stocks are available in the subject mining lease area. The details are furnished as **Annexure-III**.

6) It is further respectfully submitted that, team of officials have further reported that, 7 waste dumps were identified within the lease hold areas and 3 waste dumps were identified outside the lease hold area. The report of the team of Officials indicating the dimensions of the said waste dumps is enclosed as **Annexure-IV**.

7) It is further submitted that, the quantity of **Magnesite** illegally mined and transported by the 6th respondent from the area granted under mining lease in S.F.No. 6 of Chettichavadi Village, Salem Taluk and District is arrived as follows:-

Sl. No.	Description		Quantum (Metric Tonne)
1.	Total quantity of run of mine(RoM) mined and transported from the leasehold area at Chettichavadi village, Salem District as per the team report.	-	11,16,87,545

2.	Total quantity of Magnesite mined and transported at the recovery of 4% as per the mining plan/ scheme of mining approved by Indian Bureau of Mines.	-	44,67,501
3.	Total quantity of Magnesite transported with Despatch Slips from 1979-80 to 2018-19.	-	28,72,450
4.	Total quantity of Magnesite stocks available in the leasehold area.	-	7,730
5.	Total quantity of Magnesite transported with Despatch slips + Magnesite stocks available in the leasehold area (Sl.No.3+4)	-	28,80,180
6.	Total quantity of Magnesite transported from the leasehold area without obtaining transport permit ie. illegally mined and transported from the subject area. (Sl.No.2-5)	-	15,87,322

8) It is further submitted that, the quantity of **Dunite** illegally mined and transported by the 6th respondent from the area granted under mining lease in S.F.No. 6 of Chettichavadi Village, Salem Taluk and District is arrived as follows:-

Sl. No.	Description		Quantum (Metric Tonne)
1.	Total quantity of run of mine (RoM) mined and transported from the leasehold area at Chettichavadi village, Salem District as per the team report.	-	11,16,87,545
2.	Total quantity of Dunite mined and transported at the recovery of 10% as per the mining plan/ scheme of mining approved by Indian Bureau of Mines.	-	1,11,68,750

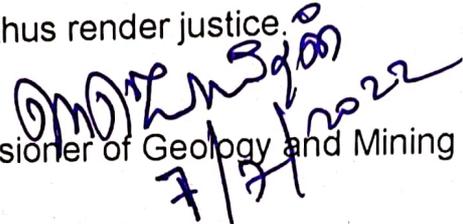
3.	Total quantity of Dunite transported with Despatch Slips from 1979-80 to 2018-19.	-	1,83,888
4.	Total quantity of Dunite stocks available in the leasehold area.	-	11,851
5.	Total quantity of Dunite transported with Despatch slips + Dunite stocks available in the leasehold area (Sl.No.3+4)	-	1,95,739
6.	Total quantity of Dunite transported from the leasehold area without obtaining transport permits ie. illegally mined and transported from the subject area. (Sl.No.2-5)	-	1,09,73,016

9) It is further submitted that, the team of Officials have estimated that a total quantity of 15,87,322 Metric Tonnes of Magnesite and 1,09,73,016 Metric Tonnes of Dunite had been illegally mined and transported by the sixth respondent from the area granted under mining lease for mining Magnesite and Dunite in S.F.No.6 of Chettichavadi Village, Salem Taluk and District.

10) It is further submitted that the third respondent has been requested to take necessary action to recover cost of mineral and royalty for the quantum of 15,87,322 Metric Tonnes of Magnesite and 1,09,73,016 Metric Tonnes of Dunite illegally mined and transported from the subject area during 1979 to till dated under the provisions of Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 vide second respondent letter No. 1355/MM9/2006 dated:09.03.2022.(Annexure-V). However, permits used during 1966-67 to 1978-79 has to be verified from the sixth respondent and the final order will be passed after ascertaining the quantum of both the minerals transported with valid

transport permit during the period from 1966-67 to 1978-79. The sixth respondent is requested to provide the above particulars vide second respondent's letter No. 1355/MM9/2006 dated: 07.07.2022 to proceed further in this regard.

Under the circumstances stated above, it is respectfully prayed before this Hon'ble Tribunal that the additional report filed by this respondent may please be taken on record and pass appropriate order and thus render justice.


Commissioner of Geology and Mining
7/7/2022