

**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

**REPLY ON BEHALF OF THE 6<sup>th</sup> RESPONDENT IN RESPONSE TO THE  
AFFIDAVIT DATED 1<sup>st</sup> AUGUST 2022 FILED BY RESPONDENT NO. 1 (MOEF) ON  
THE STATUS OF THE APPLICATION OF ANSWERING RESPONDENT FOR  
GRANT OF ENVIRONMENT CLEARANCE**

Dated at Chennai on this the 12<sup>th</sup> day of September, 2022.

FILED BY



M/s. S.Raghunathan  
T.Poornam  
Sharanya Vaidhyanathan  
V.S. Rishwanth  
Haji S.Madharsha & Sons building,  
5<sup>th</sup> Floor,  
No. 148, Second Line Beach,  
Chennai -600 001  
Email: nrrandschennai@gmail.com  
Phone: 044 - 25342012

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)**

**CHENNAI**

**Original Application No. 213 of 2021 (SZ)**

S. Sakthivel

Environmental Protection and Anti-Pollution Group

S/o P.K. Subramanyam

Alagu Vinayakar Kovil Street,

Fairland, Salem 636016

...Applicant

Vs

1. The Secretary to Government of India

Ministry of Environment and Forest and Climate Change

Indira Paryavaran Bhawan Jorbagh Road,

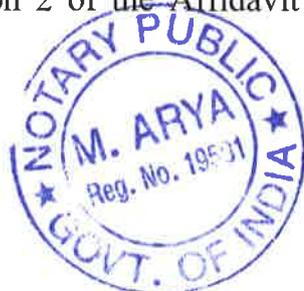
New Delhi 110003 and Others

...Respondents

**REPLY ON BEHALF OF THE 6<sup>th</sup> RESPONDENT IN RESPONSE TO THE AFFIDAVIT DATED 1<sup>st</sup> AUGUST 2022 FILED BY RESPONDENT NO. 1 (MOEF) ON THE STATUS OF THE APPLICATION OF ANSWERING RESPONDENT FOR GRANT OF ENVIORNMENT CLEARANCE**

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

1. The First Respondent had filed its Affidavit 1<sup>st</sup> August 2022 stating amongst others that the application of Answering Respondent for grant of Environment Clearance is pending for the want of clear cut orders from the court and for the want of valid mining lease documents. The Answering Respondent is presently filing its response which is in addition and without prejudice to the contentions of the Answering Respondent which are already on record.
2. The paragraph 1 & 3 of the Affidavit needs no response. In response of the paragraph 2 of the Affidavit the contents of the Reply dated 01.02



For Dalmia Bharat Sugar And Industries Limited

*Amby*

Authorized Signatory

2022 to the Original Application and contents of the Reply dated 21.04.2022 to the Joint Committee Report dated 21.03.2022 are reiterated and reaffirmed.

3. In response to paragraph 4 to 9 of the Affidavit, which are matters of record, contents of paragraph 7 of the Reply Statement dated 1.02.2022 of the Answering Respondent to the Original Application of the Applicant are reiterated and reaffirmed. Further it is specifically denied that Answering Respondent filed its application for grant of Environment Clearance on 28<sup>th</sup> November 2021, the first application for grant of Environment Clearance was filed by Answering Respondent on 9<sup>th</sup> Feb 2006.
4. It is further submitted that application for grant of Environmental Clearance is complete in all respects, further all additional documents /information as sought by 1<sup>st</sup> Respondent in respect of said application from time to time had also been furnished. It is submitted that Answering Respondent had already filed its application 31<sup>st</sup> January 2022, (Vol – III, R 21) to relax the condition of valid mining lease documents. However, Expert Appraisal Committee has not considered said application in its meeting held on 15<sup>th</sup> -17<sup>th</sup> February 2022 and returned proposal pf Answering Respondent in light of the observations of Expert Appraisal Committee, contained in para 9 of the Affidavit under reply.
5. It is further submitted that grant of Environmental Clearance is a pre-requisite for renewal of mining lease / grant of mining lease or for starting/expansion of any project which requires Environmental Clearance hence the pre -condition of valid mining lease for grant of Environmental Clearance is neither proper nor legal.



For Dalmia Bharat Sugar And Industries Limited

Authorized Signatory

6. The Answering Respondent continued its mining operations during the period of *deemed extension* by virtue of interim relief granted by Madras High Court vide orders dated 17<sup>th</sup> August 2006 in W.P. No, 25517/2006, while Environmental Clearance is required at the time of renewal of mining lease. However, grant of said environmental clearance as of now is being considered under MOEF Notification No. SO 804 (E) dated 14<sup>th</sup> March 2017 (Vol – III, R 23) according to which proceedings for alleged violation of environmental laws are independent of grant of Environmental Clearance and Environmental Clearance cannot be withheld on account of such previous violations /during pendency of proceedings for such violation. Answering Respondent fulfils all the conditions of said notification for grant of environmental clearance It is also pertinent to mention here that Respondent No. 2, 3 & 4 had already initiated actions against Answering Respondent on the alleged ground of mining without Environmental Clearance which are pending for disposal before Hon'ble High Court of Madras and before Respondent No. 4. Answering Respondent had also sent a representation dated 18.04.22 to Secretary. MOEF (Vol VI – R35) to consider grant of Environment Clearance in light of above, but of no avail.

In view of the forgoing it is most respectfully prayed that 1<sup>st</sup> Respondent herein may be directed to grant Environmental Clearance to Answering Respondent subject to further orders in this proceeding as well as in other proceedings which are pending against Answering Respondent on the alleged ground of mining without Environmental Clearance.

Solemnly affirmed at Delhi on 12<sup>th</sup> Sep 2022

And signed his name in my presence

For Dalmia Bharat Sugar And Industries Limited

(AMBUD KUMAR SRIVASTAVA)  
Authorized Signatory



ATTESTED  
NOTARY PUBLIC

12 SEP 2022



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

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

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**Nataraj Rao Raghu & Sundaram Advocates** <nrrandschennai@gmail.com> Mon, Sep 12, 2022 at 3:12 PM

To: Shanmuganathan Dharmarajan <DShanmuganathan@outlook.com>, "vivek.adv.tharai@gmail.com" <vivek.adv.tharai@gmail.com>, "secy-moef@nic.in" <secy-moef@nic.in>, "geomine@nic.in" <geomine@nic.in>, "collrslm@nic.in" <collrslm@nic.in>, "deetnpcbslm@gmail.com" <deetnpcbslm@gmail.com>, "cgwa@nic.in" <cgwa@nic.in>, Ardhendumauli Prasad <mail@ardhendumauli.com>, "saisathyajith@gmail.com" <saisathyajith@gmail.com>  
Cc: POORNAM THANGAPERUMAL <poornamt@yahoo.com>, Rishwanth V S <rishwanthvs@gmail.com>

Sirs/Madam,

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

Please find attached, a scanned copy of the Reply of the 6th Respondent in response to the affidavit dated 1st August, 2022 filed by the 1st Respondent.

Kindly Acknowledge Receipt.

Yours faithfully  
T.Poornam  
Counsel for the 6th Respondent

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**OA No. 213 of 2021 - Reply of the 6th Respondent to the Affidavit filed by R1.pdf**

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