

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

In

O.A. NO. 213/2021

IN THE MATTER OF:

M. Sakthivel & Ans

...Applicant(s)

Vs

Union of India and Ors.

...Respondent(s)

Individual Report

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

In
Application No.213 of 2021

**Individual Report on OA No.213 of 2021(SZ) filed before the Hon'ble
National Green Tribunal, Southern Zone, Chennai.**

Introduction

To ascertain the genuineness of the allegations made in the application O.A No. 213 of 2021, the Hon'ble NGT (SZ) vide Order dated 06.10.2021 has constituted a Joint Committee comprising of 1) District Collector, Salem or his /her nominee not below the rank of Assistant Collector/Sub Divisional Magistrate as nominated by the District Collector, (ii) a Senior Officer from the Ministry of Environment, Forests & Climate Change (MoEF&CC), Integrated Regional Office, Chennai, (iii) The Director Department of Geology and Mining or an officer not below the rank of Additional Director nominated by him (iv) District Environmental Engineer, Tamil Nadu Pollution Control Board, Salem District and (v) a Senior Officer from PWD, Ground Water Division, Salem District to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

Accordingly the Joint committee comprising of the following officials visited the site on.29.11.2021.

S. No.	Name & Designation	Department
1.	Mr. Nirmal Raj Director	Department of Geology and Mining, Government of Tamil Nadu
2.	Dr. C. Palpandi Scientist 'D'	MoEF&CC, IRO, Chennai
3.	Mr. Veer Pratap Singh Sub Collector	Salem District

4.	Smt. Jayanthi Deputy Director	Department of Geology and Mining, Government of Tamil Nadu
5.	Mr. Suresh Asst. Director	PWD
6.	Mr. Gopalakrishnan District Environmental Engineer	TNPCB, Salem

Field Observation during the visit:

During the visit it is learnt that the 6th respondent has performed mining activity without obtaining prior EC until 2017 and they have applied for EC under violation category.

Accordingly they obtained ToR vide F No.23-227/2018-IA.III (V) dated 5.02.2021 from the Ministry of Environment Forest and Climate Change under violation case and they also completed the Public hearing on 03.092021.

Observation of the Committee against each direction given by the Hon'ble NGT (SZ) Vide Order dated 06.10.2021 in O.A No. 213 of 2021 is as follows:

1. The committee is directed to ascertain as to whether the 6th respondent is having all necessary permission/clearances from the authorities as required under the environmental laws.

The 6th respondent is not having all necessary permission/clearances from the authorities as required under the environmental laws.

However the 6th respondent has obtained Terms of Reference (ToR) under violation case as per MoEF& CC OM No. 3-50/2017-IA. III (Pt.) dated 30.05.2018, Z-11013/49/2018-IA.II(M) dated 18.06.2018 and 21-103/20 J 5- IA.III dated 02.11.2018.

2. Whether the 6th respondent is conducting mining in violation of the environmental laws without obtaining necessary clearance/permission, if so since when they are doing the same.

The 6th respondent submitted that they have performed mining without prior EC under EIA Notification, 2006 and accordingly they submitted the proposal for Terms of Reference under Violation case as per MoEFCC Notification.

As per ToR they have conducted the public hearing on 03.09.2021 in the presence of District Collector and the EIA and EMP reports were also submitted. They have continued the mining till 2017.

3. What is the quantity of the mineral extracted by doing such illegal mining, what is the nature of action taken by the authorities when such violations are brought to their notice.

As a part of considering the application submitted by the 6th respondent for getting ToR under violation Category, the Ministry of Environment Forest and Climate Change has issued a letter dated 25.11.2020 to the state Government to take action against the proponent under Section 19 of EP Act, 1986 and to submit the report.

During the visit the joint committee noticed that there are 13 mining pits and measurements were also taken. Accordingly the calculation for finding out the quantity of minerals extracted without valid EC is in progress.

4. Whether any damage is caused to the environment on account of the illegal mining done by the 6th respondent unit, and if so, assess the damage caused to the environment including the environmental compensation to be recovered from them, apart from suggesting recommendations for restoration for damage caused to the environment.

Vide letter No. F No.23-227/2018-IA.III(V) dated 5.02.2021 the Ministry of Environment Forest and Climate Change has issued ToR under violation case and

directed to assess the ecological damages with respect to air, land, water and other environmental attribute by a laboratory notified under EP Act 1986 or NABL accredited lab/ or a lab of CSIR working in the field of environment. It is also directed to prepare a remediation plan and to prepare a natural and community augmentation plan corresponding to the ecological damages.

The joint committee is also directed the TNPCB and Ground Water Department to collect water and soil for analysis and to submit the analysis report to the committee for assessing the damage caused to the environment on account of the illegal mining. Upon the receipt of Analysis report the committee will calculate the environmental compensation to be recovered from them, apart from suggesting recommendations for restoration for damage caused to the environment.

5. Whether the 6th respondent had obtained necessary permission for extracting ground water for their industrial purpose and if not, what is the action taken including the imposition of compensation for unauthorized drawl of ground water by the 6th respondent.

They have obtained permission from Water Resource Department for extracting ground water.

C. Palpandi
Dr. C. Palpandi
Scientist 'D'
MoEFCC, IRO, Chennai