

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE  
BENCH, CHENNAI**

**APPEAL NO. 25 of 2023**

**IN THE MATTER OF: -**

**Alex Paul**

**.... Applicant**

**Versus**

**The Member Secretary, SEIAA and Ors.**

**.... Respondent**

**ADDITIONAL AFFIDAVIT FILED ON BEHALF OF STATE LEVEL  
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)**



Filed by:  
**G.M. SYED NURULLAH SHERIFF**  
**Senior Standing Counsel**  
**MoEF & Cc.**  
**Mob. No. 9444015330**  
**Counsel for Respondent no. 1**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Appeal No. 25 of 2023**

**Alex Paul**

**Vs**

**State Level Environment Impact Assessment Authority (SEIAA),**

**&**

**State Level Expert Appraisal Committee (SEAC)**

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,****SOUTHERN ZONE AT CHENNAI****Appeal No. 25 of 2023****IN THE MATTER OF:****Alex Paul**

Son of K.C. Paulose aged about 51 years

Kottalil House,

Kunnekal Post, Muvattupuzhal,

Ernakulam District,

Kerala state – 682316

Email id: [alexapaulkottalil@gmail.com](mailto:alexapaulkottalil@gmail.com)

Phone: 9447107434

**..... Applicant****Versus****1. STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, TAMIL NADU (SEIAA),**

Third Floor, Panagal Maligai,

No.1, Jeenis Road, Saidapet, Chennai- 600015.

Phone: 044- 24359973

Email.: [mstnseiaa@yahoo.com](mailto:mstnseiaa@yahoo.com)**2. STATE LEVEL EXPERT APPRAISAL COMMITTEE (SEAC),**

Through the Member Secretary

Third Floor, Panagal Maligai,

No.1, Jeenis Road, Saidapet, Chennai- 600015.

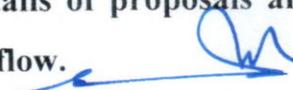
Phone: 044- 24359973

Email: [mstnseiaa@yahoo.com](mailto:mstnseiaa@yahoo.com)**..... Respondent****Member Secretary****STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN**Panagal Maligai, No.1, Jeenis Road,  
Saidapet, Chennai - 15

**ADDITIONAL AFFIDAVIT FILED ON BEHALF OF SEIAA – TAMILNADU,**  
**THE FIRST & SECOND RESPONDENTS**

I, A.R. Rahul Nadh, I.A.S., working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Maaligai, Saidapet, Chennai – 600015 solemnly affirm and sincerely state as follows:

1. I am filing this counter affidavit on behalf of the First & Second Respondent/SEIAA-TN herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. I deny all the averments and allegations stated in this Appeal No.25 of 2023 except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. It is respectfully submitted that; the project proponent has applied to the State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) seeking prior Environmental Clearance for the proposed Filed before Respondent No.1 on 01.12.2022 under the category ‘B2’ of item No.1 (a) “Mining of Minerals” of the Schedule to the EIA notification, 2006 for the Rough Stone and Gravel quarry over an extent of 4.52.0 ha in Patta land bearing S.F.Nos. 531/1B (Part ) of pomma n Nai A Village , Thiruvattar Taluk , Kanyakumari District , Tamil Nadu vide proposal No.SIA/TN/MIN/408810/2022 dated 01.12.2022.
4. I respectfully submit that; The proponent has to make an application in the PARIVESH portal which stands for **Pro Active and Responsive Facilitation by Interactive and Virtuous Environmental Single Window Hub.**
5. I respectfully submit that; PARIVESH is a web-based, role-based workflow application that has been developed for online submission and monitoring of the proposals submitted by the proponents for seeking Environment, Forest, Wildlife, and CRZ Clearances from Central, State, and District level authorities. It automates the entire tracking of proposals which includes online submission of a new proposal, editing/updating the details of proposals and displays status of the proposals at each stage of the workflow.

  
 Member Secretary  
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN  
 Panagal Malignai, No.1, Jeenis Road,  
 Saidapet, Chennai - 15

6. I respectfully submit that; Only those proposals made online will be considered by SEIAA-TN and will accordingly be forwarded to SEAC-TN for scrutiny and appraisal for grant of Environmental Clearance.
7. I respectfully submit that; Upon the receipt of an application in the PARIVESH portal, the proposal will be appraised by the SEAC based on the information submitted by the proponent in the PARIVESH portal in the relevant documents as stipulated in EIA Notification, 2006.
8. **I respectfully submit that the Decision Support System (DSS)**  
It is a web-GIS-based application that has been developed to provide qualitative and quantitative information with respect to forest areas. It uses different spatial layers for providing different information on different issues related to forest and wildlife areas. Geospatial data used in the DSS application includes state and district boundary layer protected areas, tiger reserves, tiger corridors, forest type map, biological richness, landscape integrity, hydrological layer, forest cover map time series layer, recorded forest area, and recorded forest administrative boundary.
9. I respectfully submit that; Based on the KML file uploaded by the proponent in the Parivesh Portal, with the aid of the **Decision Support System (DSS)** developed by MoEF&CC as stated above, it was ascertained that the proposed site is **2.75 Km “approximately”** from the Kanyakumari Wildlife Sanctuary – **Annexure I**.
10. **I respectfully submit that; Watershed** - any surface area from which runoff resulting from rainfall is collected and drained through a common point. The Proposed site is located at the top of a hill. Naturally, the precipitated water from the hilltop will drain in the nearby channel or river as the case may be. The natural terrain from the proposed site to the nearest channel, captured based on the KML file submitted by the proponent in Parivesh Portal, using Google Earth Pro is annexed – **(Annexure-II)**.
11. I respectfully submit that; As per MoEF&CC Notification SO 3236 (E) 22.09.2020, Kanyakumari Wildlife Sanctuary is spread over an area of 402.395 square kilometers and whereas, floristically, the Western Ghats is one of the richest areas in our country harboring not less than 3500 species of flowering plants which is 27% of the flowering plants in India. Further, Kanyakumari Wildlife Sanctuary being a

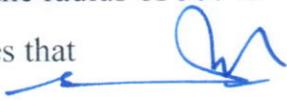
part of Western Ghats is rich in wildlife with at least 40 types of mammals, about 120 species of birds including 14 species of migratory birds and rich diversity of fishes, reptiles and amphibians. THEREFORE, in exercise of the powers conferred by sub-section (1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government notified an area to **an extent varying from 0 (zero) to 3.0 kilometres around the boundary of Kanniyakumari Wildlife Sanctuary, in Kanniyakumari District in the State of Tamil Nadu as Kanniyakumari Wildlife Sanctuary the Eco-sensitive Zone.**

12. I respectfully submit that; As per the Metalliferous Mines Regulations, 1961  
**Chapter – XIV – Explosives and Shot firing**  
**Taking Shelter etc.-**

(2) In the case of an **opencast working**, the blaster shall not charge or fire a shot—

- (a) Unless he has taken the precautions laid down in sub-regulation (1);  
 (b) Unless sufficient warning, by efficient signals or other means approved by the manager, is given over the entire area falling within a **radius of 500 meters** from the place of firing (hereinafter **referred to as the danger zone**) and also, he has ensured that all persons within such area have taken proper shelter;  
 (c) **Where any part of a public road or railway lies within the danger zone**, unless two persons are posted, one each in either direction at the two extreme points of such road or railway which fall within the danger zone who have, by an efficient system of telephonic communication or hooter or loudspeakers or other means intimated clearance of traffic to the blaster and have also warned the passers-by and whenever possible the vehicle also, if any, which have passed by such road or railway.

13. I respectfully submit that; As per **Directorate General of Mines Safety** circular no. - DGMS (SOMA)/ (Tech) Cir No. 2 of 2003 Dt. 31/01/2003 – **Annexure III**, on the subject of Dangers due to blasting projectiles, all places within the radius of 500 m from the place of firing to be treated as danger zones which states that

  
 Member Secretary

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“... Under the existing provisions of the Metalliferous Mines Regulations, 1961, before a shot is charged, stemmed of fired the shot firer/blaster required, amongst other things to ensure that all persons **within a radius of 300m** from the place of firing (referred to hereinafter as danger Zone) have taken proper shelter, apart from giving sufficient warning by efficient signals or other means approved by the manager over the entire zone...”

“... There had been, however, a number, of instances where flying fragments due to blasting had ejected not only within but also beyond the danger Zone, resulting into serious and even fatal accidents....”

“...**In the interest of safety to treat all the places within a radius of 500 mt. of the place of firing as the danger zone**, all persons who are required to remain within the danger zone at the time of blasting should take protection in substantially built shelter...”

14. Therefore, humbly prayed that this Hon’ble Tribunal may be pleased to record and pass orders as this Hon’ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.

Solemnly affirmed at Chennai  
On this 07<sup>th</sup> day of March 2024  
& Signed his name in my presence.



**FIRST & SECOND  
RESPONDENT**

**BEFORE ME**

**Member Secretary  
SEIAA-TN**

**Member Secretary**  
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN  
Panagal Maligal, No.1, Jeenis Road,  
Saidapet, Chennai - 15



Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the circumference or area of a circle on the ground

Radius: 2.75 Kilometers

Area: 23,620,532.00 Square Meters

Circumference: 17.20 Kilometers

Mouse Navigation Save Clear

Kuttakulai

Mahverivalai

Chithirankodu

Chithirali Rock Jain Temple (Malalokovil)

White Memorial Homeopathic Medical

FGP Church Chenkody

Mathoor Aqueduct

Kulasekhararam

Sarada Krishna Homeopathic Medical

Tranankalan

Manniyankuzi

Kedayar Lake

Kalkulam

Kanniyakumari Wildlife Sanctuary

Weerapuli R.F.

Keeripparai

Perunchani Dam View Point

Sulore

IRANI restaurant Marthandam

Ten sports swamivarnadham

SSTECHSOFT

Kumarapuram

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Imagery Date: 1/26/2024 11:05:21 AM  
12° 24' 52.82" N 77° 51' 19.41" E 10m

Construction on SH4...

Get Directions History

Search

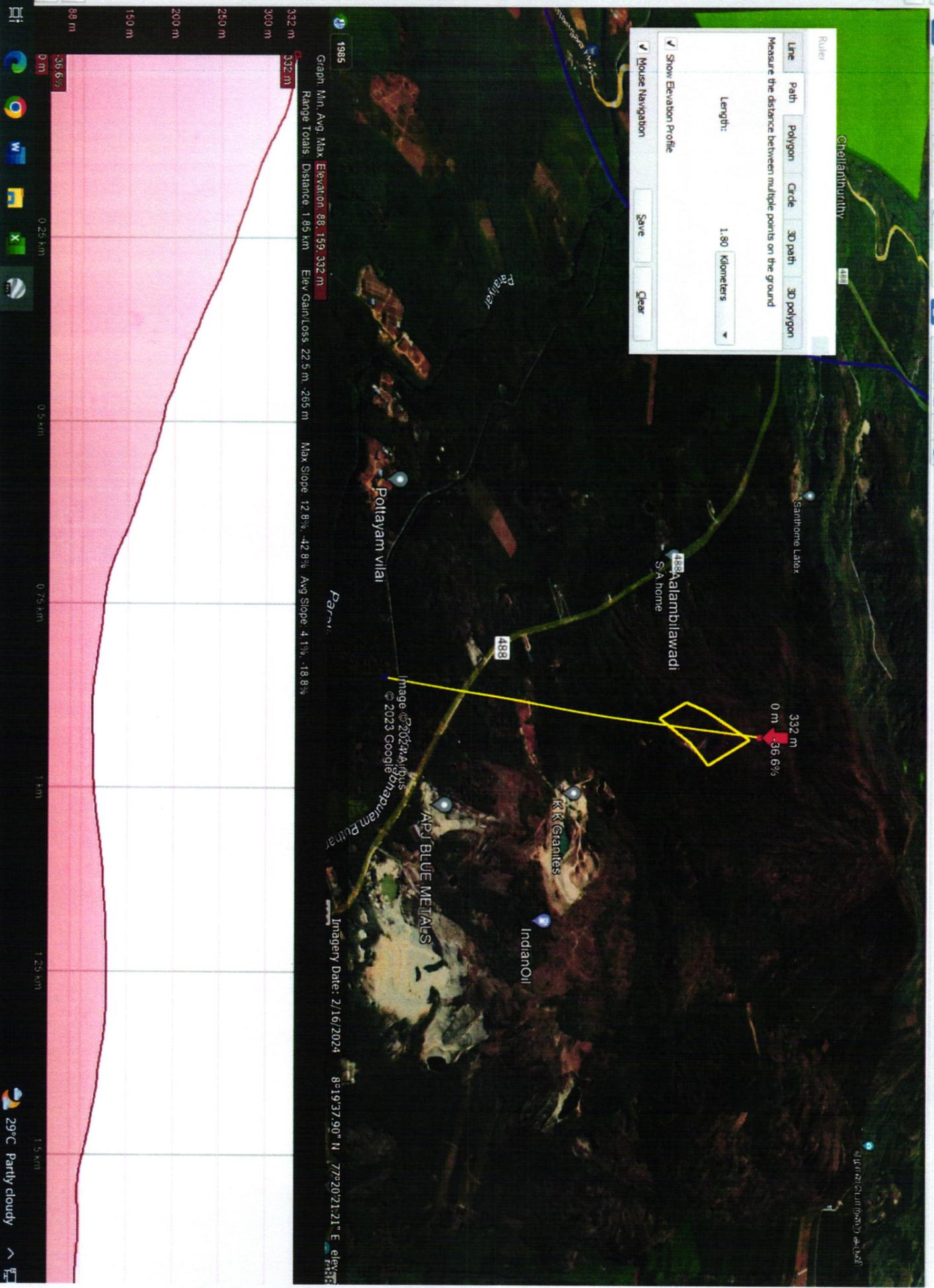
Measure the distance between multiple points on the ground

Length: 1.80 Kilometers

Show Elevation Profile

Mouse Navigation

Save Clear



2

**No. DGMS (SOMA)/ (Tech) Cir No. 2 of 2003 Dt. 31/01/2003.**

To

All Owners, Agents and Managers of Mines

Subject.: Dangers due to blasting projectiles.

Accidents due to project files ejecting from blasting had been a major source of accident in both below ground and opencast workings.-Under the existing provisions of Coal Mines Regulations, 1957 and the Metalliferous Mines Regulations, 1961, before a shot is charged, stemmed of fired the shotfirer/blaster required, amongst other things to ensure that all persons within a radius of 300m from the place of firing (referred to hereinafter as danger Zone) have taken proper shelter, apart from giving sufficient warning by efficient signals or other means approved by the manager over the entire zone. There had been, however, a number, of instances where flying fragments due to blasting had ejected not only within but also beyond the danger Zone, resulting into serious and even fatal accidents.

This Directorate from time to time had drawn the attention of all concerned about the dangers from flying projectiles through issue of DGMS Circulars Viz. Circular Tech. 15/1977 and 8/1982, Recently however, another fatal accident occurred due to same reason.

Enquiry into the accident revealed that in an open cast coal mine, overburden had been kept dumped against the free face of OB bench, 12 No. first row of holes were left uncharged because of spontaneous heating in the seam below, 17 holes of 150 mm 6.5 mt. Depth drilled in 7 mt. x 5 mt. Pattern (spacing & burden) charged with 75 kg./ hole and 42 holes of 6.5 m depth 250 mm dia drilled in 6 mt. x 6 mt. pattern charged with 130 kg /hole were blasted. The projectiles ejected due to blasting travelled for a distance of about 412 m in the reverse direction away from the free face and hit a mechanical supervisor. The enquiry further revealed that the deceased had taken proper shelter in a blasting shelter shelter but had come out of the shelter immediately on hearing to the sound of blast and was subsequently hit by the projectiles.

Over years there had been refinement of blasting practices as well as development in explosives and accessories, whereby it is possible to control the throw and prevent ejection of flying fragments within a safe distance, with relative ease. There is, therefore, no reason why such type of accident should continue to occur.

The matter is brought to your attention so that following corrective measures are taken in case similar conditions exists in any mine under your control.

- (1) In the interest of safety to treat all the places within a radius of 500 mt. of the place of firing as the danger zone, all persons who are required to remain within the danger zone at the time of blasting should take protection in substantially built shelter.

- (2) Formilate a code of practice for controlled blasting Technique with milli-second delay detanators / electric shock tubes/ cord relays or use of sequential blasting machines or by adequately muffling of holes including precautions to be taken during blasting operation until all clear signal given by blaster.
- (3) Training of persons and their helpers engaged in such blasting operation

Director General of Mines Safety.