

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

**Original Application No.29 of 2021 (SZ)**

1. Ramkumar,  
S/o. Murugan,  
Meliruppu Village,  
Panruti Taluk,  
Cuddalore District.  
Pincode-607 103.  
Mail id-ramkarthik15@gmail.com

**.....Petitioner**

-Vs-

1. The District Collector,  
Collectorate,  
Cuddalore District,  
Pincode-607 001.  
Mail id-collrcud@nic.in
2. The Commissioner,  
(Mines and Minerals)  
Geology and Mines Department,  
Guindy, Chennai-600 032.  
Mail id-cgmchennai32@gmail.com
3. The Assistant Director,  
(Mines and Minerals)  
Geology and Mines Department,  
Cuddalore District,  
Cuddalore, Pincode-607 001.  
Mail id-cuddaloremines@gmail.com
4. The Revenue Divisional Officer,  
Cuddalore Revenue Division,  
Cuddalore,  
Pincode-607 001.  
Mail id-rdocud-tncud@gmail.com
5. The Thasildar,  
Panruti Taluk Office,  
Panruti, Cuddalore District.  
Pincode-607 106.  
Mail id-tahsildarpanruti@gmail.com
6. Deputy Superintendent of Police,  
Panruti Zone, Panruti,  
Cuddalore District,  
Pincode-607 106,  
Mail id-dsppanruti@gmail.com

**JOINT DIRECTOR**

Department of Geology & Mining  
Guindy, Chennai - 600 032.

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7. The Inspector of Police,  
Kadambuliur Police Station,  
Kadambuliur, Cuddalore District,  
Pincode-607 106.  
Mail id -cuddalorekadampuliyurps@gmail.com
8. The District Environment Engineer,  
Tamil Nadu Pollution Control Board,  
No.A3, Sipcot Industries Complex,  
Kudikadu, Cuddalore.  
Pincode-607 005.  
Mail id -deetnpbud@gmail.com
9. R.Krishnamoorthy  
S/o Rajakannu  
No.213, South Street,  
Meliruppu Village  
Panruti Taluk  
Cuddalore District.  
Pincode-607 103.  
Mail id -not known

....Respondents

**INDIVIDUAL STATEMENT FILED BY THE SECOND RESPONDENT**

I, Nirmal Raj S/o. K.Lakshmana Perumal aged about 48 years, working as the Director, Department of Geology and Mining, Guindy, Chennai do solemnly affirm and sincerely state as follows:-

I respectfully submit that I am the Second respondent herein and I am well aware of the facts of the case from the available records.

2) It is respectfully submitted that the Hon'ble National Green Tribunal Southern Zone, Chennai, in its direction in O.A.No.29/2021, dated 23.09.2021 has directed the respondents to file independent statement within a period of two weeks.

3) It is respectfully submitted that in compliance to the direction of the Hon'ble National Green Tribunal, Southern Zone, Chennai, I am filing my individual statement.

4) It is respectfully submitted that pertaining to the Original Application No.29 of 2021 (SZ) filed before the Hon'ble National Green Tribunal Southern Zone, Chennai, by the petitioner Mr. Ramkumar, S/o. Murugan, Meliruppu Village, Panruti Taluk,

  
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Cuddalore District, praying this Hon'ble National Green Tribunal to pass an order directing the respondents 1 to 8 to initiate Criminal action against the 9<sup>th</sup> respondent and also direct the respondents to restore the safety distance between the quarried land i.e. 7.5 metres in respect of S.F.Nos.43/1A, 78/3A, 78/3B & 81/1A1 and the applicant land in S.F.Nos.43/1B2, 81/1A2 by considering the applicants representation dated 03.11.2020 and 01.01.2021 and pass such further or other orders as it may deems fit and proper in the circumstances of the case and thus render justice.

5) It is respectfully submitted that this Hon'ble Green Tribunal has directed in its order dated 05.02.2021 to appoint a Joint Committee comprising of (i) the District Collector, Cuddalore District or a Senior Officer not below the rank of Assistant Collector or a Sub Divisional Magistrate as deputed by him, (ii) Assistant Director, Geology and Mining, Cuddalore District, iii) a Senior Officer from the Tamil Nadu Pollution Control Board as deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report, if any violation of conditions imposed, whether there is any excess mining was done more than the permitted quantity, if any violation committed including recovery of penalty and royalty as provided under the respective mining Rules, apart from imposing environmental compensation for the loss caused to the environment whether there was any damage caused to the property of the applicant on account any alleged violation said to have been committed by the 9<sup>th</sup> respondent and whether there is any violation of any specific or general conditions given in the mining lease regarding its implementation and closure etc. as well. In addition, this Hon'ble National Green Tribunal has also directed the Committee to submit the report to this Tribunal on or before 24.03.2021.

6) It is respectfully submitted that in accordance with the above direction given by the Hon'ble Green Tribunal, the committee comprising of the Revenue Divisional Officer, Cuddalore, Assistant Director, Geology and Mining, Cuddalore and the District Engineer, Tamil Nadu Pollution Control Board, Cuddalore District have inspected the above said quarry in question on 04.03.202 and

  
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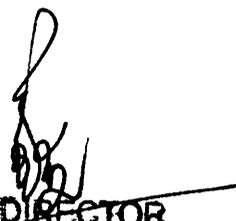
  
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submitted a report. The findings of the inspection team are as follows:

- i. The 9<sup>th</sup> respondent was given permission for quarrying gravel in S.F.No.78/3A, over an extent of 1.38.0 hecets. situated in Semmedu Village, Panruti Taluk, Cuddalore District vide the District Collector Proceedings in Na.Ka.No.888/Mines/2016 for a period of two years from 05.04.2018 to 04.04.2020 with the condition for quarrying a quantum of 17,056 cubic metres upto 2 metres depth as per the approved mining plan.
- ii. The 9<sup>th</sup> respondent did not follow the condition mentioned in the Proceedings of the District Collector. The 9<sup>th</sup> respondent has not maintained the safety distance of 7.5 m from the adjacent patta lands in all the direction except western side of the permitted area. The 9<sup>th</sup> respondent has quarried upto a depth of 4.5 metres instead of 2 meters permitted in the order of the District Collector. During inspection, it was found that the 9<sup>th</sup> respondent has quarried a quantum 21,320 cubic meters of gravel more than the permitted quantity.
- iii. Since the above violations are found during the inspection, the Committee has recommended to impose penalty against the 9<sup>th</sup> respondent as per Rule 36(A) in the Tamil Nadu Minor Mineral Concession rules, 1959.

7) It is respectfully submitted that the Hon'ble Green Tribunal in its order dated 16.08.2021 directed to fix the environmental compensation, and to fix the royalty and as well as penalty to be recovered from the 9<sup>th</sup> respondent. In addition to that, the Hon'ble Tribunal directed that whenever there is any violation found, apart from realising the penalty and royalty payable, they are also expected to assess the environmental compensation caused on account of the excess mining including cost of restoration of the damage caused to the environment as has been directed by the Principal Bench of National Green Tribunal in similar matters.

  
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8) It is respectfully submitted that in order to comply with the order of the Hon'ble National Green Tribunal, the District Collector, Cuddalore directed the Revenue Divisional Officer, Cuddalore to levy penalty for the excess quarrying of gravel (i.e. 21320 Cubic meter) as per Rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959 vide the 1<sup>st</sup> respondent letter Na.Ka.No.67/Mines/2021, dated 10.04.2021. With regard to the environmental compensation, the District Environmental Engineer, Tamil Nadu Pollution Control Board, Cuddalore was directed to fix the environmental compensation for the violations found in the above said quarry vide 1<sup>st</sup> respondent letter Rc.No.299/Mines/2020, dated 27.08.2021.

9) It is respectfully submitted that the Revenue Divisional Officer, Cuddalore in his order D.Dis. A4/1274/2021, dated 07.09.2021 levied penalty amount for excess quarrying of 21,320 cubic metres of gravel as per the Rule 36-A of the Tamil Nadu Minor Minerals Concession Rules and the details are stated below.

<b>Details</b>	<b>Amount</b>
Penalty for violation	Rs.25,000/-
Seigniorage for excessively Quarried Gravel of 21,320 cbm (1cbm - Rs.33/-)	Rs.7,03,560/-
Cost of minerals for excessively Quarried Gravel of 21,320 cbm (1cbm - Rs.160/-)	Rs.34,11,200/-
Penalty for excessively Quarried Gravel of 21,320 cbm (1cbm - Rs.33/-) (3 folds as per the Rule 36(A) of TNMMCR)	Rs.21,10,680/-
<b>Total</b>	<b>Rs.62,50,440/-</b>

10) It is respectfully submitted that as per the direction of the Hon'ble National Green Tribunal, dated 16.08.2021, the District Environmental Engineer, Tamil Nadu Pollution Control Board, Cuddalore has estimated the environmental Compensation to be recovered from the 9<sup>th</sup> respondent excluding the Seigniorage and

Cost of Minerals (since the above said penalty has already been levied by the Revenue Divisional Officer, Cuddalore) as follows:

<b>Sl. No.</b>	<b>Components of EC Calculation</b>	
1.	Illegal Mined material by Violating the EC & mining lease in Cbm	21320 Cbm
2.	Seigniorage fee per Cubic metre	Rs.33
3.	Net Present Value of Material as per the existing Tamil Nadu Minor Mineral Concession Rules for the year 2017-18	Rs. 160
4.	Cost of Mineral based on Scheduled rate	Rs. 34,11,200
5.	Total cost of illegal mined material	Rs. 34,11,200
6.	Net present value of the ecological services foregone and Cost of Damage to Environment and pristine ecology (10% of the cost of illegal mined material)	Rs. 3,41,120
7.	Cost of mitigation and restoration (10% of the cost of illegal mined material)	Rs. 3,41,120
	<b>Total (6+7) in Rs.</b>	<b>Rs. 6,82,240</b>

11) It is respectfully submitted that the District Collector, Cuddalore has been requested to take necessary action against the offender in accordance with G.O.Ms.No.170 Industries Department, dated 05.08.2020 for filing private complaint against the offender before the competent authority.

12) It is respectfully submitted that the delay was only due to the involving of other routine official work load and not wanted one.

13) In view of the above, it is humbly prayed that pleadings made in this memo may please be taken on record and thus render justice.

Solemnly affirmed at Chennai on the 12<sup>th</sup> October, 2021 and signed his name in my presence.

  
Director of Geology and Mining

  
JOINT DIRECTOR  
Department of Geology & Mining  
Guindy, Chennai - 600 032.

**VERIFICATION**

I, Thiru L.Nirmal Raj, I.A.S., working as Director, Department of Geology and Mining, Guindy, Chennai – 600 032 do hereby verified that the contents of the above report are true to the best of my knowledge through records.

Verified at Chennai on this 12<sup>th</sup> day of October 2021.



DIRECTOR  
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