

**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.

..... Petitioners

-Vs-

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Commissioner,
Geology and Mining,
Guindy,
Chennai.
3. The Assistant Director,
Geology and Mining,
Cuddalore.
4. The Revenue Divisional Officer,
Cuddalore.
5. The Thasildar,
Panruti Taluk,
Cuddalore District.
6. Deputy Superintendent of Police,
Panruti Zone,
Cuddalore District.
7. The Inspector of Police,
Kadambuliyur Police Station,
Panruti Taluk,
Cuddalore District.
8. The District Environment Engineer,
Tamil Nadu Pollution Control Board
Sipcot Industries Complex
Kudikadu, Cuddalore District.
9. R. Krishnamoorthy
S/o Rajakannu
Meliruppu Village
Panruti Taluk
Cuddalore District.

....Respondents


**ASSISTANT DIRECTOR,
GEOLOGY AND MINING
CUDDALORE**

Individual Statement filed by the 3rd respondent.

I, Lalitha S/o. R.Arumugam aged about 39 years, working as Assistant Director, Geology and Mining, in Cuddalore District do solemnly affirm and sincerely state as follows:-

1) I submit that I am the third respondent herein and I am well aware of the facts of the case from the available records.

2) It is 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 this respondent to file his independent statement within a period of two weeks. In compliance with the direction of the Hon'ble National Green Tribunal Southern Zone, Chennai, I am filing my individual statement as follows:

a. 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 Mr. Ramkumar S-o Murugan, Meliruppu Village, Panruti Taluk, Cuddalore District, praying this Hon'ble Green Tribunal to pass an order directing the respondents 1 to 8 to initiate action against the 9th respondent Mr. R.Krishnamoorthy S/o Rajakannu, Meliruppu Village Panruti, 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

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caused to the property of the applicant on account any alleged violation said to have been committed by the 9th 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. is found. In addition, this Hon'ble Green Tribunal also directed the Committee to submit the report to this Tribunal on or before 24.03.2021.

3) It is respectfully submitted that in accordance with the above direction given by the Hon'ble Green Tribunal in its order dated 05 February 2021, 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 inspected the above said quarry in question and submitted the report. The Committee inspected the above said quarry on 04.03.2021 and submitted the violations found as follows:

- (i) Thiru Krishnamoorthy S/o Rajakannu, Meliruppu Village, Panruti Taluk, was given permission to a gravel quarry in S.F.No. 78/3A (1.38.00 Hectares) located in Semmedu Village, Panruti Taluk vide District Collector Proceedings Na.ka. 888/Mines/2016 for a period of two years (05.04.2018 to 04.04.2020) with the condition to dig only two meters depth to quarry 17056 cubic meters of gravel as per mining plan.
- (ii) But the lessee did not follow the condition mentioned in the District Collector's Proceedings. He did not maintain the safety distance of 7.5 m from the adjacent patta lands in all direction except west direction. The Lessee, 9th respondent herein this case, has quarried to a depth of 4.5 Meters instead of permitted 2 meters as per the District Collector's Order. It has also been found during inspection that $104 \text{ m} \times 82 \text{ m} \times 4.5 \text{ m} = 38326$ Cubic meters Gravel was quarried i.e. the lessee has quarried 21320 cubic meters of gravel more than the permitted quantity.


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(iii) As the above violations are found during the inspection, the Committee recommended that Penalty may be imposed on the Lessee Thiru R.Krishnamoorthy S/o Rajakannu as per Rule 36(A) in the Tamil Nadu Minor Mineral Concession rules, 1959.

4) On submission of the above report, 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 9th respondent. In addition the Hon'ble Tribunal directed that whenever there is any violation found, apart from realising the penalty and royalty payable, it is 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.

5) To comply with the above order of the Hon'ble Tribunal, the District Collector, Cuddalore has directed the authoritative penalty officer, i.e. the Revenue Divisional Officer, Cuddalore, to levy the penalty for the excess quarried gravel (i.e. 21320 Cubic meter) as per Rule 36(A) in the Tamil Nadu Minor Mineral Concession rules, 1959 vide his letter Na. Ka. No. 67/Mines/2021 dated 26.08.2021. In addition, as the Hon'ble Tribunal directed that, whenever there is any violation found, apart from realising the penalty and royalty payable, it is also expected to assess the environmental compensation. As such the District Engineer, Tamil Nadu Pollution Control Board, Cuddalore was directed to fix the environmental compensation for the violations found in the above said quarry, vide District Collector, Cuddalore letter Rc.No. 299/Mines/2020, dt. 27.08.2021.

6) The Revenue Divisional Officer in his order D.Dis A4/1274/2021 dated: 07.09.2021 levied penalty amount for the excessively Quarried 21,320 cubic meter of gravel as per Tamil Nadu Minor Minerals Concession Rules 1959 - Rule 36(A) and it is detailed below.

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Details	Amount
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/-
Total	Rs.62,50,440/-

7) In addition as per the directions of the Hon'ble Green Tribunal, the District Engineer, TNPCB, Cuddalore, levied the environmental Compensation to be recovered from the 9th respondent excluding the Seigniorage and Cost of Minerals (since the above said penalty is already levied by the Revenue Divisional Officer, Cuddalore) as follows.

Sl. No.	Components of EC Calculation	
1.	Illegal Mined material by Violating the EC & mining lease in Cbm	21320 Cbm
2.	Seigniorage fee per m3	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
	Total (6+7) in Rs.	Rs. 6,82,240

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Hence as directed by the Hon'ble Green Tribunal, the penalty action has been taken by the Committee and the above said penalty has been levied (including the royalty and as well as penalty and also the environmental compensation) on Mr. R.Krishnamoorthy S/o Rajakannu, Meliruppu Village Panruti.

Therefore it is most respectfully prayed that the Hon'ble High Court may be pleased to consider the submission/report and pass such other orders as Hon'ble Court may deem fit based on the circumstances of the case and thus render justice.

Solemnly affirmed at

..... on this day..... 08th

October 2021 and signed his

Name in my presence.

22-11/08/21
ASSISTANT DIRECTOR,
GEOLOGY AND MINING
CUDDALORE

BEFORE ME

P. [Signature] 31/10/21
SPL. REVENUE INSPECTOR
O/O ASSISTANT DIRECTOR
GEOLOGY AND MINING
CUDDALORE.