

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI.**

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

Ramkumar  
S/o. Murugan  
Melirruppu Village, Panruti Taluk,  
Cuddalore District

...Applicant

-Vs-

The District Collector,  
Collectorate,  
Cuddalore District and Ors.

...Respondents

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**Filed by  
Thiru. Sai Sathya Jith,  
Advocate, Chennai.**

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY

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**REPORT FILED ON BEHALF OF THE RESPONDENT -  
TAMILNADU POLLUTION CONTROL BOARD.**

I, R. Vijayabaskaran, Son of E. Rathinam aged about 59 years, having office at No. 76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32 and I am filing this Report on behalf of the Respondent – Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case from the records.

2. It is respectfully submitted that the Hon'ble NGT (SZ) has passed order dated 05.02.2021, 16.08.2021 and 23.09.2021 has directed the Tamilnadu Pollution Control Board and other official respondents to file an individual report after consideration of the Joint

  
**ADDL. CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI 600 032**

Committee Report submitted by the Assistant Director, Geology and Mining, Cuddalore.

3. It is respectfully submitted that in due compliance of the NGT (SZ) order dated 05.02.2021, the said area in question was inspected by the officials of the TNPCB along with the Joint Committee on 04.03.2021 and concluded that as per T.N.Minor Mineral concession rules 1959 Rule 36(A), penalty may be imposed on the lessee Thiru. R. Kirshnamoorthy, for excessive mining of 21320 cubic metres.

4. It is respectfully submitted that the Assistant Director, Department of Geology & Mining, Cuddalore district informed that Thiru. Krishnamoorthy mines have been violating the rules, excessively Quarried 21,320 Cubic meters against the permitted quantity of 17,056 cubic meters during the lease permitted time only (ie) 5.4.2018 to 04.04.2020, and further stated that there is no violation in the number of days while quarrying the gravel.

5. It is respectfully submitted that this is a gravel quarrying activity and the excessive quantity which was quarried by the occupier was done during the lease permitted time only the violation in the number of days may not be applicable to this quarry.

6. It is respectfully submitted that, further the Hon'ble NGT (SZ) in its order dated 16.11.2021 has stated inter alia that:-

*"Para 10: Further, it may be mentioned here recently the Hon'ble Apex Court in Interlocutory Application No. 29984 of 2021 in Special Leave Petition (Civil) No. 10587 of 2019 in Bajri Lease Lol Holders Welfare*

  
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TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

*Society, through its President Vs. The State of Rajasthan and others had directed the authorities to recover the amount required for restoring the loss caused to the ecology on account of such illegal mining apart from collecting the royalty and imposing penalty and value of the material illegally mined.”*

7. It is respectfully submitted that, the Hon'ble Apex Court in the said matter has stated inter alia as follows:-

*“Para.17: The scale of compensation by those who are involved in illegal mining has been dealt with by the NGT in National Green Tribunal Bar Association Vs Virendar Singh. In its order dated: 26.02.2021, the NGT considered and approved the report submitted by the CPCB dated: 30.01.2020, in pursuance of its earlier orders, on scale of compensation to be recovered for violation norms for mining on “Polluter Pays” principle....”*

*Further, the Hon'ble NGT in OA No. 360/2015 National Green Tribunal Bar Association Vs Virendar Singh in its final judgment dated: 26.02.2021 has accepted the report of CPCB and directed that the scale of compensation calculated with reference to approach II be adopted by all the States/UTs.”*

8. It is respectfully submitted that accordingly, the Environmental Compensation to be recovered from M/s.Krishnamoorthy Gravel Quarry, S.F. No. 78/3A, Semmedu Village, Panruti Taluk, Cuddalore District is calculated as follows:-

Sl. No	Components of EC calculation	
1.	Illegal Mined material by violating the EC & mining lease in cubic metres	21320 m <sup>3</sup>
2.	Net Present Value of Material as per the	Rs. 160

  
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 TAMIL NADU POLLUTION CONTROL BOARD  
 No.76, MOUNT SALAI, GUINDY,  
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	existing Tamil Nadu Minor Mineral Concession Rules for the year 2017-18	
3.	Cost of Mineral based on Scheduled rate (1 x 2)	Rs. 34,11,200
4.	Total cost of illegal mined material	Rs. 34,11,200
5.	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
6.	Cost of mitigation and restoration (10% of the cost of illegal mined material)	Rs. 3,41,120
	Total (5 + 6) in Rs.	<b>Rs. 6,82,240</b>
(Rupees Six Lakhs Eighty Two Thousand Three Hundred and Forty only)		

7. It is respectfully submitted that, a show cause notice was issued under section 5 of the Environment (protection) Act, 1986, to the unit of M/s. Krishnamoorthy Gravel Quarry, Panruti Taluk, Cuddalore District vide Board's Proceeding dated 06.12.2021, "as to why the Board shall not levy and recover the Environmental Compensation for the illegal and excess mining."

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to take this Report on record and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

  
**ADDL. CHIEF ENVIRONMENTAL ENGINEER**  
**TAMIL NADU POLLUTION CONTROL BOARD**  
**No.76, MOUNT SALAI, GUINDY,**  
**CHENNAI-600 032.**  
**BEFORE ME**

**VERIFICATION**

I, R. Vijayabaskaran, S/o E. Rathinam, working as Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai - 600 032 do hereby submit that the contents of above report are true to the best of my knowledge through records.

  
15/12/21  
ADDL. CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
CHENNAI-600 032.

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**REPORT FILED ON BEHALF OF THE  
RESPONDENT - TAMIL NADU  
POLLUTION CONTROL BOARD**

Advocate for Respondent: TNPCB  
Thiru. Sai Sathyajith  
BSC, Chennai.

Dated: 10.12.2021

Date of hearing: 13.12.2021

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
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PHYSICAL CHEMISTRY

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