

Inspection report of Magnesite and Dunite Mining Lease area of Tvl. Dalmia Bharat Sugar and Industries Limited submitted by the three teams constituted by the Director of Geology and Mining, Chennai vide Proceedings Rc.No.1355/MM9/2006 dated, 05.12.2021

1. Introduction :

One Thiru.S.Sakthivel has filed Original Application No. 213/2021 before the Hon'ble National Green Tribunal (SZ), Chennai with a prayer to take action against the mining of Magnesite and Dunite by Tvl. Dalmia Bharat Sugar and Industries Limited in the area granted under lease vide G.O.(Ms).No.903 Industries, Labour and Co-operation Department dated 25.02.1966 in Government land in S.F.No.6 over an extent of 449.36.4 Hects in Chettichavadi Village, Salem West Taluk, Salem District.

2) The Hon'ble National Green Tribunal (SZ) in its order dated 06.10.2021 has directed the Joint Committee constituted by the NGT to cause inspection and submit a factual as well as action taken report, if there is any violation found before 16.11.2021.

3) In pursuance of the Orders of the Hon'ble Tribunal, the Director of Geology and Mining vide Proceedings Rc.No.1355/MM9/2006 dated. 05.12.2021 constituted three teams and directed to survey the area to ascertain the volume of mineral extracted and in order to confirm whether any illegal mining was carried out by Tvl. Dalmia Bharat Sugar and Industries Limited, Salem by using Total Station and submit the report on or before 10.12.2021.

4) As directed by the Director of Geology and Mining, the Inspection teams commenced survey in the subject area from 06.12.2021 onwards. During the survey, the lease boundaries were identified by the

Village Administrative officer, Chettichavadi and Firka Surveyor, Alagapuram. The Mines Manager of Tvl. Dalmia Bharat Sugar Industries Limited and Assistant Geologist of O/o of Deputy Director of Geology and Mining, Salem were also present.

2. Details of Leases Granted:

The details of mining lease granted in the subject area is as follows.

Sl. No	G.O No.	Minerals	Village	Survey No & Classification	Extent in Hects.	Lease period
1.	G.O. 903 Labour & Co-operative department dated. 25.02.1966	Magnesite	Chettichavadi	6, Government land	574.24.9 (1418.97 acres)	20.08.1966 to 19.08.1986 (20 years)
2.	G.O. Ms. No. 84, Industries Department Dated 26.07.1976.	Dunite	Chettichavadi	6, Government land	1386.36 acres	26.07.1976 to 19.08.1986 (10 years)
3.	Government letter 87124/D1/76-4 dated. 01.08.1987.	Dunite	Chettichavadi	6 (Part)	531.98.0 (1314 acres)	(10 years) Mentioned in G.O. 74, dated 11.03.1997.
4.	G.O. No.74 Industries (MMD.1) Department dated. 11.03.1997.	Magnesite and Dunite	Chettichavadi	6 (Part)	531.98.0 (1314 acres)	1 st renewal for 20 years. (20.08.1986 to 19.08.2006)
5.	Surrender application submitted for part of the area.	Magnesite and Dunite	Chettichavadi	6 (Part)	82.61.6	Surrender application was forwarded to the Government vide letter Rc.No 621/2006/Mines A dt. 07.05.2007 Surrender proposal pending.
6.	Renewal of Mining lease applied on 11.07.2005.	Magnesite and Dunite	Chettichavadi	6 (Part)	449.36.4	Mines operated under Deemed Extension provision under Rule 24 (A) (6) of MCR 1960.

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3. Details of approved Mining plan/ Scheme of Mining and production details of the lessee as furnished by the Deputy Director of Geology and Mining, Salem are as follows.

G.O No.	Mining plan approval order & Quantity (in M.T)	Year	Production details furnished by the District Office - Magnesite (in M.T).	Production details furnished by the District Office - Dunite (In M.T).	
1.	G.O. 903 Labour & Co-operative department dated. 25.02.1966	1979-80 1980-81 1981-82 1982-83 1983-84 1984-85 1985-86	96301.500 120629.100 130104.900 85886.00 114180.00 119400.940 104036.500	- - - - 24.000 538.000 42.000	
2.	Government letter 87124/D1/76-4 dated. 01.08.1987. (1988-89 to 1992-1993)	RCOM Indian Bureau of Mines, Chennai No.TN/SLM/MP/MG-142/MDS dt. 07.12.1988.	1986-87 1987-88 1988-89 1989-90 1990-91 1991-92 1992-93	92442.500 92188.700 131801.200 138062.700 139653.000 140042.000 151190.240	890.000 1137.000 2695.000 205.000 - - -
3.	Scheme of Mining 1993-94 to 1998-99	RCOM, Indian Bureau of Mines Bangalore letter No.TN/SLM/MG/ MS-03 /MDS dt 29.09.1994.	1993-94 1994-95 1995-96 1996-97 1997-98	53760.100 106724.420 96671.640 105983.460 102472.790	- - 150.000 60.000 200.000
4.	G.O. No.74 Industries (MMD.1) Department dated. 11.03.1997. (1998-99 to 2002-03)	RCOM, Indian Bureau of Mines Bangalore letter No.TN/SLM/MG/MS-63/52 dt 28.06.1999.	1998-99 1999-2000 2000-01 2001-02 2002-03	88041.010 87357.840 87932.880 66005.440 42187.428	1459.000 1329.000 - - 1749.722
4.	Scheme of Mining for the period 2003-04 to 2006-07.	RCOM, Indian Bureau of Mines Chennai letter No.TN/SLM/MG/ MS-170/SZ dt 09.09.2003.	2003-04 2004-05 2005-06 2006-07	31432.453 42374.484 26887.140 18671.430	1822.818 1096.242 7994.527 2565.000
5.	Renewal of Mining lease applied on 11.07.2005.(Mining plan for the period 2006-07 to 2010-11)	RCOM, Indian Bureau of Mines Chennai letter No.TN/SLM/MP/ MG-1612/SZ dt 01.09.2005 -	2007-08 2008-09 2009-10 2010-11	29554.628 42227.866 61738.768 41698.568	1850.000 1430.000 13850.000 5610.000

6.	Deemed Extension - SOM for the period from 2011-12 to 2015-16	RCOM, Indian Bureau of Mines Chennai letter No.TN/SLM/MG/MS-613/MDS dt 12.01.2012	2011-12 2012-13 2013-14 2014-15 2015-16	27482.870 6651.081 4124.538 16596.206 15038.052	3900.000 15150.000 9355.000 47500.000 37815.000
7.	Deemed Extension - SOM for the period from 2016-17 to 2020-21	RCOM, Indian Bureau of Mines Chennai letter No.TN/SLM/MG/MS-1361/MDS dt 28.07.2016	2016-17 2017-18 2018-19 2019-20 2020-21	10343.074 3404.934 1167.487 - -	11620.000 11720.000 131.000 - -
8.	Deemed Extension - ROMP for the period from 2021-22 to 2025-26	RCOM, Indian Bureau of Mines Chennai letter No.TN/SLM/MG&DU/ROMP/1646/MDS dt 30.03.2021	-	-	-
Grand Total				2872449.867	183886.009

- i) The Hon'ble High Court of Madras in W.M.P.No.25308 of 2016 in W.P.No.29275 of 2016 vide interim order dated 21.10.2016 has issued directions for issuance of transport permit infavour of the petitioner/ Tvl. Dalmia Bharat Sugar and Industries Limited. The Government had filed W.A.No.72 of 2017 against the interim order dated 21.10.2016 and it was rejected by the Hon'ble High Court of Madras.
- ii) The subject area was inspected by the then Deputy Director of Geology and Mining, Salem on 08.02.2017 and reported that the stock of 3200 M.T of Magnesite was available in the pits, 27254 M.T of Magnesite was available in the spoil bank and around 9,700 M.T of Dunite stock available in the lease hold area.
- iii) The Commissioner of Geology and Mining, Chennai vide letter Rc.No.1355/MM3/2006 dated 17.02.2017 instructed the District Collector, Salem to issue transport permits for

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transporting the mineral already quarried and stocked in the mine area.

- iv) Based on the orders issued by the Hon'ble Supreme Court of India in W.P (C).Nos.114 of 2014 etc., dated 02.08.2017, as per para 155 of the said order the base year of 2000-2001 has been considered for base year for calculating Cost of the Mineral. Accordingly, notice has been issued by the District Collector, Salem to the lessee with a direction to remit the cost of mineral for the quantity of Magnesite and Dunite quarried without Environmental Clearance as detailed below.

Demand notice No. and Date	Name of the mineral	Quantity of mineral excavated from 01.04.2000 to 31.08.2018 (in M.T)	100% of cost of mineral to be remitted (in Rs.)
45/2018/D-1/ Mines-A dated 18.06.2019.	Dunite	1,75,159.309	11,44,30,605
45/2018/M-9/ Mines-A dated 08.07.2020.	Magnesite	54,396.79	7,24,73,501
		Total	18,69,04,106

- v) In this regard, against the demand notice dated 18.06.2019, the lessee has filed W.P.No.889 of 2020 before the Hon'ble High Court of Madras. The Hon'ble High Court of Madras in its order dated 12.06.2020 in batch of cases in W.P.No.26808 of 2019 etc., have dismissed all the Writ Petition with a direction to pay Rs.10,000/- each to the credit of The Chief Justice Relief Fund. Against the order dated 12.06.2020, the lessee company had filed W.A.No.834/2020 and it is pending before

Hon'ble High Court of Madras. In respect of Magnesite, lessee has not filed any Writ Petition. Hence, the lessee is liable to remit the entire cost of mineral as demanded by the District Collector, Salem.

- vi) Subsequently the District Collector, Salem vide proceedings Rc.No. 711/2019/Mines-A dated 01.08.2019 has granted a special permission for deepening of the already mined out existing pit for the purpose of storage of drinking water to the adjacent Chettichavadi Village under the Jalsakthi Abiyan with a direction to keep the quarried Magnesite within the lease granted area separately.
- vii) Originally the lease was granted over an extent of 574.24.9 Hectares and subsequently first renewal was granted over an extent of 531.98.0 Hectares. Subsequently the lessee Company had submitted proposal of surrender for part of the lease area admeasuring an extent of 82.61.6 Hectares. Accordingly as of now they have applied for second renewal over an extent of 449.36.4 Hectares. Part of the surrendered area is now used for solid waste Management system over an extent of 40.49.0 Hectares in Government land S.F.No. 6 by the Salem Corporation vide G.O. 127 Revenue Department dated.13.03.2007.
- viii) As per the report of the Deputy Director of Geology and Mining, Salem the production details in respect of Magnesite and Dunite is not available for the period prior to 1979 -80.
- ix) The reports are prepared based on the details/ records/ datas furnished by the District Administration, Salem.

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4. Dimensions of Pits / Dumps and available stocks of Magnesite and Dunite measured by the surveyors in the subject area.

Pit Dimension (Details enclosed)

Magnesite & Dunite

Total Volume of mineral removed in cum	Total Quantity In MT (Volume* Bulk density @2.4)	Quantity of Magnesite (in M.T) @ 4% (recovery as per the latest Scheme of Mining).	Quantity of Dunite (in M.T) @ 10% (recovery as per the latest Scheme of Mining).
4,65,36,477	11,16,87,545	44,67,502	1,11,68,755

Mineral Stock heaps available in the subject area (Details enclosed)

Stock of Magnesite (in M.T)	Stock of Dunite (in M.T)
7730.052	11851

Dimension of waste/ reject dumps

Dump	L (m)	W (m)	H (m)	Volume of Waste Dump (in Cum)	Remarks
1	475	250	43	5106250	03 dumps noticed outside the lease area with the volume of 63,48,750 cbm
2	250	175	22	962500	
3	200	100	14	280000	
4	750	150	25	2812500	07 dumps noticed within the lease area with the volume of 1,94,95,000 cbm
5	325	150	14	682500	
6	425	300	30	3525000	
7	850	150	45	5737500	
8	300	250	25	1875000	
9	375	350	30	3937500	
10	250	100	25	625000	
			Total	2,58,43,750	

Abstract

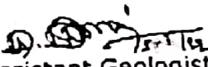
Minerals	Volume Mineral removed per dimension cbm	of as pit in	Quantity of rejects/Waste available in the subject area in cbm	Recovery % as per Mining plan for total quantity in M.T.	Production quantity furnished by the District officer from the year 1979-80 to 2018-19 in M.T.	Quantity of Stock available in the subject area in M.T.	Total quantity mined in M.T.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(5+6)
Magnesite	4,65,36,477	2,58,43,750	44,67,502	2872449.867	7730.052	2880180	
Dunite			1,11,68,755	183888.309	11851	195739	

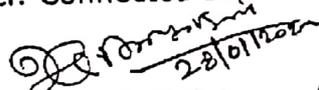
5. Field observations

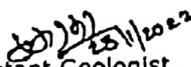
- i) No safety Zone is maintained on the north east and south west side of the present lease area since, the subject portion was already covered under original lease and now it is covered under adjacent surrender proposed area.
- ii) The lease area is partitioned by the lessee as 4 Blocks for their convenience viz, Block A , B, C and MT Block. In the lease granted area there are 32 number of pits and 10 number of waste reject dumps noticed during inspection.
- iii) Three dumps are noticed outside the lease granted area with the volume of 63,48,750 cbm of rejects were dumped in the non - lease area in patta lands belongs to said company in Vellakalpatti village.
- iv) Three pits are water stagnated and the dimension of the pits are measured above water level only.
- v) No men and machinery and no mining activities is noticed during inspection.
- vi) The lessee has operated the subject mine without Environmental Clearance for which demand notice has been Issued by the District Administration, Salem.

vii) As per the plt dimension the total quantity of mineral removed worked out by the surveyor by using total station survey instrument is 44,67,502 M.T of Magnesite, 1,11,68,755 MT of Dunite. As per the production quantity and available stock furnished by the District Administration, Salem, the quantity of 28,80,180 M.T. of Magnesite and 1,95,739 M.T. of Dunite has been removed from the year 1979-80 to till date. The details of production prior to 1979-80 is not furnished by the District Administration, Salem and hence, the quantity prior to 1979-80 has to be verified and included in the above calculations by the District Administration, Salem and further action may be initiated by the District Administration, Salem accordingly.

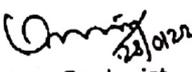
Encl: Connected Sketches and other documents.


Assistant Geologist,
Salem


Assistant Geologist,
Tiruvallur


Assistant Geologist,
Chennai


Assistant Geologist
Dindigul GTC


Assistant Geologist
Thiruvannamalai


Assistant Geologist
Sivagangai


Assistant Director (G&M),
Coimbatore.

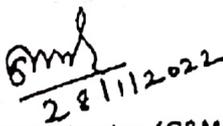

Assistant Director (G&M),
Namakkal


Assistant Director (G&M),
Vellore


Assistant Director (G&M)
Erode.

Assistant Director (G&M),
Ariyalur


Assistant Director (G&M),
Perambalur


Deputy Director (G&M),
Kanniyakumari


Deputy Director (G&M),
Tiruppur.


Deputy Director (G&M),
Krishnagiri.