

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

Appeal No. 36 of 2023

S. Prasanth Kumar,
S/o, Mr. Srinivasan
No. 5/516, Munidevi Naga,
Hosur Taluk,
Krishnagar District - 635109

... Petitioner

Vs.

1. State Level Environment Impact Assessment Authority (SEIAA)
Rep. by its Member Secretary,
3rd Floor, Panagal Maaligai,
No.1.Jeenis Road, Saidapet,
Chennai- 600015
2. State Level Expert Appraisal Committee (SEAC),
Rep. by its Chairman,
3rd Floor, Panagal Maaligai,
No. 1, Jeenis Road, Saidapet, Chennai – 600015.

...Respondent



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

**COUNTER AFFIDAVIT FILED ON BEHALF OF 1st RESPONDENT
AND 2nd RESPONDENT**

I, Deepak S. Bilgi, I.F.S., S/o Mr. Siddappa, aged about 44 years having office at, Third Floor, Panagal Maaligai, No.1, Jeenu Road, Saidapet, Chennai-600015, do hereby solemnly affirm and sincerely state as follows;

1. I am filing this counter Affidavit on behalf of the 1st Respondent and 2nd Respondent / SEIAA-TN herein and as such I am well acquainted with the facts and the circumstances of the case from the record available in this office.
2. I am working as Director, Department of Environment, Government of Tamil Nadu and as such I am well acquainted with the facts and circumstances of the case.
3. I respectfully submit that I deny all the averments made in the Affidavit except those that are specifically admitted herein.
4. I respectfully submit that the Petition filed by the Petitioner is not maintainable and liable to be dismissed in limine for the following reasons.
5. I respectfully submit that, I deny all the averments made in Affidavit in para-No.27, 28. The Petitioner seeks Environmental Clearance for the Proposed Rough stone quarry lease over an extent of 3.35.0Ha at S.F.No. 588 (Part) of Alur Village, Hosur Taluk, Krishnagar District, Tamil Nadu by Thiru. S. Prasanth Kumar –under Category “B2” of Item 1(a) “Mining of Minerals Projects” of the schedule to the EIA Notification, 2006 – Reg.
6. I humbly submit that the petitioner had also obtained necessary environment clearance from the DEIAA under Environment Impact Assessment (EIA) NOTIFICATION, 2006, Vide Letter No. DEIAA-TN/F.No. 03. DEIAA-KG/EC No .86/2018 dated 27.08.2018 further, the Deputy Director of town and country planning, Dharmapuri, in his letter No. 2441/2018, wherein stated that the lease applied area is situated in “Non Planning Area”.
7. It is respectfully submitted that; the proposal was placed for appraisal in 393rd meeting of State **Expert Appraisal Committee (SEAC) (ANNEXURE 1)** held on 20.07.2023. Based on the presentation made by the proponent, SEAC noted that there are considerable number of poultry farm houses / structures and few

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


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

habitations/dwellings within 300 m. Besides, the proposed quarrying site is also an elevated mound with agricultural activities all around. Hence, the Committee noted that the proposed rough stone quarrying operation in this area will also affect the waterflow direction & volume coming from such elevated places. **Hence the Committee decided not to recommend the proposal.**

8. Environment Clearance is an Independent Clearance, just because the petitioner obtained approvals / permissions from the other Statutory Departments, he cannot claim Environment Clearance as a matter of Rights. Environment Clearance is independently decided by the committee as per the norms laid in the EIA notification. Also, the committee has appraised the project from the point of view of ecological concern and protection to the Environment.
9. The subject was placed in the 643rd meeting of **State Level Environment Impact Assessment Authority (SEIAA) (ANNEXURE 2)** held on 01.08.2023 and The Authority accepted the decision of SEAC and decided to request the Member Secretary to grant rejection letter to the proponent as per the 393rd Meeting of SEAC held on 20.07.2023. Hence, this file is rejected, closed and recorded. Subsequently the minutes of 393rd SEAC meeting held on 20.07.2023 and minutes of 643rd SEIAA meeting held on 01.08.2023 was uploaded in the Parivesh portal for proponent reference.
10. Accordingly, a rejection letter vide No SEIAA – TN / F. No 10090/2023 dated on 07.08.2023 was issued to project proponent, which states that, **(ANNEXURE 3)**

“The proposal was placed in 393rd meeting of SEAC held on 20.07.2023 vide reference 3rd cited. Based on the presentation made by the proponent, SEAC noted that there are considerable number of poultry farm houses / structures and few habitations/dwellings within 300m. Besides, the proposed quarrying site is also an elevated mound with agricultural activities all around. Hence, the Committee noted that the proposed rough stone quarrying operation in this area will also affect the waterflow direction & volume coming from such elevated places. Hence the Committee decided not to recommend the proposal.

Further, the proposal was placed in the 643rd Authority meeting held on 01.08.2023 vide reference 4th cited. The authority noted that this proposal was placed for appraisal



Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeanis Road,
Sakdapel, Chennai - 15

in 393rd meeting of SEAC held on 20.07.2023 and SEAC has not recommended the proposal”.

In view of the above, SEIAA accepts the decision of SEAC and decided to request the Member Secretary to grant rejection letter to the proponent as per the 393rd meeting of SEAC held on 20.07.2023.

Hence, the above-mentioned file is rejected, closed and recorded accordingly.

11. The petitioner has submitted the request for re-appraisal of file vide letter dated on 23.08.2023. **(ANNEXURE 4)**

It was Informed to the Project proponent that; the rejected proposals will not be reconsidered for appraisal at SEIAA / Tamil Nadu vide letter No SEIAA – TN /F.No.10090/2023 dated on 19.09.2023.

In this connection, the proposal by project proponent placed in 393rd meeting of SEAC held on 20.07.2023. Based on the presentation made by the proponent, SEAC noted that there are considerable number of poultry farm houses / structures and few habitations/dwellings within 300 m. Besides, the proposed quarrying site is also an elevated mound with agricultural activities all around. Hence, the Committee noted that the proposed rough stone quarrying operation in this area will also affect the waterflow direction & volume coming from such elevated places. **Hence the Committee decided not to recommend the proposal.**

Further, the proposal was placed in the 643rd Authority meeting held on 01.08.2023. The authority noted that this proposal was placed for appraisal in 393rd meeting of SEAC held on 20.07.2023 and SEAC has not recommended the proposal. Subsequently after detailed deliberations, Authority decided not to grant the proposal for the grant of Environmental Clearance. Further, the Authority rejected, closed and recorded this proposal.

Meanwhile, project proponent has resubmitted the request for re-appraisal of file before SEIAA-TN.


Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeeris Pond,
Saidapet, Chennai - 15

In view of the above, hereby it was informed to the project proponent that the rejected proposals will not be re-considered for appraisal at SEIAA/ Tamil Nadu.

Further, as per Section 16 of the National Green Tribunal Act, 2010

"Any person aggrieved by,

(i) an order made, on or after the commencement of the National Green Tribunal Act, 2010, refusing to grant environmental clearance for carrying out any activity or operation or process under the Environment (Protection) Act, 1986 (29 of 1986); may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal: Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days."

If the project proponent (PP) feels aggrieved by the decision of SEIAA in regard to grant/rejection of environmental clearance, the PP may approach Hon'ble Court.

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

Male
28/11/2023
Member Secretary
MEMBER SECRETARY
STATE LEVEL ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY - TN
Panimalar Maligai, No.1, Jeppia Road,
SEIAA - TN
Chennai - 600 015

Solemnly affirmed at Chennai on

BEFORE ME

this the 28th day of November, 2023 and

Rathin
7519/2023

signed his name in my presence.

ADVOCATE: CHENNAI

7

and details issued by the MOEF & CC to be included in EIA/EMP Report:

1. The project proponent shall submit a Certified Compliance Report as per the MoEF&CC O.M dated.08.06.2022 for the previous EC dated.27.08.2018.
2. The PP shall furnish letter from AD, mines including the following details.
 - i. Existing pit dimension through precise mine surveying (DGPS)
 - ii. Quantity achieved Vs EC Approved Quantity
 - iii. Balance Quantity as per Mineable Reserve calculated.
 - iv. Mined out Depth as on date Vs EC Permitted depth
 - v. Details of illegal/illicit mining carried out in the proposed quarry site
 - vi. Violation in the quarry during the past working.
 - vii. Quantity of material mined out outside the mine lease area
 - viii. Condition of Safety zone/benches as on date
3. The PP shall furnish a valid modified Mining Plan duly approved by the competent authority (AD -Mines) for an ultimate working depth of less than 50m BGL & Production / Development data for the remaining life of the project.
4. The PP shall furnish ownership details of all survey numbers in EIA report.
5. The PP shall submit the stability status of the existing quarry wall and slope stability action plan by carrying out the scientific studies to assess the slope stability of the working benches to be constructed and existing quarry wall, by involving any one of the reputed Research and Academic Institutions - CSIR-Central Institute of Mining & Fuel Research / Dhanbad, NIRM/Bangalore, Division of Geotechnical Engineering-IIT-Madras, NIT-Dept of Mining Engg. Surathkal, and Anna University Chennai-CEG Campus.

Agenda No: 393- 02

(File No: 10090/2023)

Proposed Rough stone quarry lease over an extent of 3.35.0Ha at SF.No. 588(Part) of Alur Village, Hosur Taluk, Krishnagiri District, Tamil Nadu by Thiru. S. Prasanth Kumar - for Environmental Clearance. (SIA/TN/MIN/431139/2023, Dated: 27.05.2023)

The proposal was placed in 393rd meeting of SEAC held on 20.07.2023. The details of the project furnished by the proponent are available in the website (parivesh.nic.in).

The SEAC noted the following:


MEMBER SECRETARY
SEAC -TN

2


CHAIRMAN
SEAC - TN

- 8
1. The Project Proponent, Thiru.S. Prasanth Kumar has applied for Environmental Clearance for the proposed Rough stone quarry lease over an extent of 3.35.0Ha at SF.No. 588(Part) of Alur Village, Hosur Taluk, Krishnagiri District, Tamil Nadu.
 2. The proposed quarry/activity is covered under Category "B2" of Item 1(a) "Mining Projects" of the Schedule to the EIA Notification, 2006.
 3. Prior EC issued by DEIAA vide Lr.No.03/DEIAA-KGI/Ec.No.86/2018 Dated :27.08.2018.

Based on the presentation made by the proponent, SEAC noted that there are considerable number of poultry farm houses / structures and few habitations/dwellings within 300 m. Besides, the proposed quarrying site is also an elevated mound with agricultural activities all around. Hence, the Committee noted that the proposed rough stone quarrying operation in this area will also affect the waterflow direction & volume coming from such elevated places. Hence the Committee decided not to recommend the proposal.

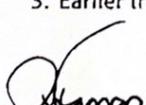
Agenda No: 393-03

(File No: 10084/2023)

Proposed Fireclay quarry over an extent of 3.21.5 Ha at S. F. Nos. 336/4 (Part), 336/5, 336/8 & 336/9 (Part) of Therani Village, Alathur Taluk, Perambalur District, Tamil Nadu by Thiru. C. Senthil Kumar - For Terms of Reference. (SIA/TN/MIN/430996/2023 dt. 27.05.2023)

The proposal was placed for appraisal in this 393rd meeting of SEAC held on 20.07.2023. The details of the project furnished by the proponent are available in the website (parivesh.nic.in). The SEAC noted the following:

1. The Project Proponent, Thiru. C. Senthil Kumar has applied seeking Terms of Reference for the proposed Fireclay quarry over an extent of 3.21.5 Ha at S.F.Nos. 336/4 (Part), 336/5, 336/8 & 336/9 (Part) of Therani Village, Alathur Taluk, Perambalur District, Tamil Nadu.
2. The proposed quarry/activity is covered under Category "B1" of Item 1(a) "Mining Projects" of the Schedule to the EIA Notification, 2006, as amended.
3. Earlier the project proponent has obtained EC from DEIAA vide Lr.No.DEIAA-


MEMBER SECRETARY
SEAC -TN

3


CHAIRMAN
SEAC - TN

MINUTES

643rd MEETING

**STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-TAMIL NADU**

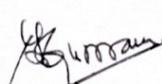
Date: 01.08.2023

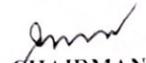
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**MINUTES OF THE 643rd MEETING OF THE STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY HELD ON 01.08.2023.**

| Agenda No | Description | File No. | Minutes |
|-----------|--|----------|---|
| a) | Confirmation of the minutes of the 642 nd meeting of the Authority held on 31.07.2023. | | The minutes of the 642 nd meeting of the Authority held on 31.07.2023 was confirmed. |
| b) | The Action taken on the decisions of the 642 nd meeting of the Authority held on 31.07.2023. | | The Member Secretary informed that 642 nd Minutes uploaded in Parivesh website and action taken report will be putup ensuing meeting. |
| 1. | Proposed Rough stone Quarry over an extent of 3.70.0 Ha at SF. No. 457 (part-2) of Hosappuram Village, Denkanikottai Taluk, Krishnagiri District, Tamil Nadu by Thiru. P. Venkata Reddy - For Terms of Reference. (SIA/TN/MIN/431072/2023, Dt. 27.05.2023) | 10083 | The authority noted that this proposal was placed for appraisal in 393 rd meeting of SEAC held on 20.07.2023, the committee has furnished its recommendations for granting ToR with Public hearing subject to the conditions stated therein. After detailed discussions, the Authority accepts the recommendation of SEAC and decided to grant Terms of Reference (ToR) along with Public Hearing under cluster for undertaking the combined Environment Impact Assessment Study and preparation of separate Environment Management Plan subject to the conditions as recommended by SEAC & normal conditions in addition to the conditions in 'Annexure B' of this minute. |
| 2. | Proposed Rough stone quarry lease over an extent of 3.35.01Ha at SF.No. 588(Part) of Alur Village, Hosur Taluk, Krishnagiri District, Tamil Nadu by Thiru. S. Prasanth Kumar - for Environmental | 10090 | The authority noted that this proposal was placed for appraisal in 393 rd meeting of SEAC held on 20.07.2023. Based on the presentation made by the proponent, SEAC noted that there are considerable number of poultry farm houses / structures and few habitations/dwellings within 300 m. Besides, the |

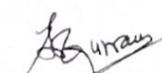

MEMBER SECRETARY


MEMBER


CHAIRMAN
SEIAA-TN

| | | | |
|----|--|-------|---|
| | Clearance. (SIA/TN/MIN/431139/2023, Dated: 27.05.2023) | | proposed quarrying site is also an elevated mound with agricultural activities all around. Hence, the Committee noted that the proposed rough stone quarrying operation in this area will also affect the waterflow direction & volume coming from such elevated places. Hence the Committee decided not to recommend the proposal. In view of the above, SEIAA accepts the decision of SEAC and decided to request the Member Secretary to grant rejection letter to the proponent as per the 393 rd Meeting of SEAC held on 20.07.2023. Hence, this file may be closed and recorded. |
| 3. | Proposed Fireclay quarry over an extent of 3.21.5 Ha at S. F. Nos. 336/4 (Part), 336/5, 336/8 & 336/9 (Part) of Therani Village, Alathur Taluk, Perambalur District, Tamil Nadu by Thiru. C. Senthil Kumar - For Terms of Reference. (SIA/TN/MIN/430996/2023 dt. 27.05.2023) | 10084 | The authority noted that this proposal was placed for appraisal in 393 rd SEAC meeting held on 20.07.2023. After detailed discussions, the Authority accepts the recommendation of SEAC and decided to grant Terms of Reference (ToR) along with Public Hearing under cluster for undertaking the combined Environment Impact Assessment Study and preparation of separate Environment Management Plan subject to the conditions as recommended by SEAC & normal conditions in addition to the conditions in 'Annexure B' of this minutes. |
| 4. | Proposed Pebbles quarry lease area over an extent of 1.22.68 Ha at S.F.Nos. 16/1C3A, 16/1C3B, 16/3A2 & 16/3B of Sorapattu Village, Marakkanam Taluk, Viluppuram District, Tamil Nadu by Thiru. S. Panneerselvam - For | 10098 | The authority noted that the subject was appraised in 393 rd SEAC meeting held on 20.07.2023. SEAC has furnished its recommendations for granting Environmental Clearance subject to the conditions stated therein. After detailed discussions, the Authority taking into account the recommendations of SEAC and |


MEMBER SECRETARY


MEMBER


CHAIRMAN
SEIAA-TN



**THIRU.DEEPAK S. BILGI, I.F.S
MEMBER SECRETARY**

**STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY-TAMILNADU**

3rd Floor, Panagal Maaligai,
No.1, Jeehis Road, Saidapet
Chennai-600015
Phone No.044-24359973
Fax No. 044-24359975

Letter No.SEIAA-TN/F.No.10090/2023 dated: 07.08.2023.

To

Thiru.S. Prasanth Kumar,
S/o. V. Srinivasan,
No.5/516, Munidevi Nagar,
Hosur Taluk,
Krishnagiri District.

Sir,

Sub: SEIAA-TN – Proposal seeking Environmental Clearance for Proposed Rough stone quarry lease over an extent of 3.35.0Ha at SF.No. 588(Part) of Alur Village, Hosur Taluk, Krishnagiri District, Tamil Nadu by Thiru. S. Prasanth Kumar - under 1(a) Mining projects of the schedule of the EIA Notification, 2006 – not recommended – rejected - Application Closed and Recorded – Regarding.

- Ref:
1. Online Proposal No. SIA/TN/MIN/431139/2023, Dated:27.05.2023.
 2. Prior EC issued by DEIAA vide Lr.No.03/DEIAA-KGI/Ec.No.86/2018 dated :27.08.2018.
 3. Minutes of the 393rd SEAC meeting held on 20.07.2023.
 - 4.Minutes of the 643rd SEIAA meeting held on 01.08.2023.

I invite kind attention to the reference 1st cited above wherein you have submitted application for the Proposed Rough stone quarry lease over an extent of 3.35.0Ha at SF.No. 588(Part) of Alur Village, Hosur Taluk, Krishnagiri District, Tamil Nadu.

The proposal was placed in 393rd meeting of SEAC held on 20.07.2023 vide reference 3rd cited. Based on the presentation made by the proponent, SEAC noted that there are

considerable number of poultry farm houses / structures and few habitations/dwellings within 300m. Besides, the proposed quarrying site is also an elevated mound with agricultural activities all around. Hence, the Committee noted that the proposed rough stone quarrying operation in this area will also affect the waterflow direction & volume coming from such elevated places. **Hence the Committee decided not to recommend the proposal.**

Further, the proposal was placed in the 643rd Authority meeting held on 01.08.2023 vide reference 4th cited. The authority noted that this proposal was placed for appraisal in 393rd meeting of SEAC held on 20.07.2023 and SEAC has not recommended the proposal.

In view of the above, SEIAA accepts the decision of SEAC and decided to request the Member Secretary to grant rejection letter to the proponent as per the 393rd meeting of SEAC held on 20.07.2023.

Hence, the above-mentioned file is **rejected, closed and recorded accordingly.**

[Handwritten signature]
MEMBER SECRETARY
SEIAA-TN



THIRU.DEEPAK S. BILGI, I.F.S.,
MEMBER SECRETARY

STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY – TAMIL NADU

3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai-15.

Phone No. 044-24359973

Fax No. 044-24359975

Letter No. SEIAA-TN/F.No.10090/2023 dated: 19.09.2023

To

Thiru.S. Prasanth Kumar
S/o. V. Srinivasan,
No.5/516, Munidevi Nagar,
Hosur Taluk,
Krishnagiri District.

Sir,

Sub: SEIAA-TN – Environmental Clearance - Proposed Rough stone quarry lease over an extent of 3.35.0Ha at SF.No. 588(Part) of Alur Village, Hosur Taluk, Krishnagiri District, Tamil Nadu by Thiru. S. Prasanth Kumar – Proposal seeking EC was rejected by SEIAA – PP request for Reappraisal – Regarding.

- Ref: 1. Online Proposal No. SIA/TN/MIN/431139/2023, dated: 27.05.2023.
2. Your application submitted for Environmental Clearance dated: 02.06.2023.
3. Minutes of 393rd SEAC meeting held on 20.07.2023.
4. Minutes of 643rd SEIAA meeting held on 01.08.2023.
5. Your request letter for Reappraisal dated 23.08.2023.

I invite kind attention to the reference cited above where in you have submitted application for the Proposed Rough stone quarry lease over an extent of 3.35.0Ha at SF.No. 588(Part) of Alur Village, Hosur Taluk, Krishnagiri District, Tamil Nadu.

In this connection, your proposal was placed in 393rd meeting of SEAC held on 20.07.2023. Based on the presentation made by the proponent, SEAC noted that there are considerable number of poultry farm houses / structures and few habitations/dwellings within

300 m. Besides, the proposed quarrying site is also an elevated mound with agricultural activities all around. Hence, the Committee noted that the proposed rough stone quarrying operation in this area will also affect the waterflow direction & volume coming from such elevated places. **Hence the Committee decided not to recommend the proposal.**

Further, the proposal was placed in the 643rd Authority meeting held on 01.08.2023. The authority noted that this proposal was placed for appraisal in 393rd meeting of SEAC held on 20.07.2023 and SEAC has not recommended the proposal. Subsequently after detailed deliberations, Authority decided not to grant the proposal for the grant of Environmental Clearance. Further, the Authority rejected, closed and recorded this proposal.

Meanwhile, you have resubmitted the request for re-appraisal of file vide ref 5th cited before SEIAA-TN.

In view of the above, hereby it is informed that the rejected proposals will not be re-considered for appraisal at SEIAA/ Tamil Nadu.

Further, As per Section 16 of the National Green Tribunal Act, 2010

"Any person aggrieved by,

(i) an order made, on or after the commencement of the National Green Tribunal Act, 2010, refusing to grant environmental clearance for carrying out any activity or operation or process under the Environment (Protection) Act, 1986 (29 of 1986); may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal: Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days."

If the project proponent (PP) feels aggrieved by the decision of SEIAA in regard to grant/rejection of environmental clearance, the PP may approach Hon'ble Court.

The receipt of the letter may be acknowledged.

uy *sub* *17/9/2023*
MEMBER SECRETARY
SEIAA-TN