

**JOINT COMMITTEE REPORT SUBMITTED BEFORE THE NATIONAL
GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI IN CONNECTION WITH
O.A.No.175 of 2021**

1. PREAMBLE :

- i. One Thiru.P.Raja Rao has filed original Application No.175 of 2021(SZ) before the National Green Tribunal, Southern Zone, Chennai with a prayer that this Hon'ble Court National Green Tribunal may be pleased to direct the Assistant Director of Geology and Mining, Krishnagiri to take action in stopping the quarrying operation in both S.F.No.399/1(Part-A) and 399/2(part-B) in Kallukurukki Village, Krishnagiri Taluk and District for the purpose of protecting environment form pollution at the earliest.
- ii. In order to ascertain the genuineness of the allegations and alleged violations committed, the National Green Tribunal vide order dated 11.08.2021 ordered to appoint a joint committee consisting of (1) The Revenue Divisional Officer (RDO), Krishnagiri (2) The Assistant Director of Geology and Mining Department, Krishnagiri District and (3) The District Environmental Engineer (DEE), Tamilnadu Pollution Control Board (TNPCB), Krishnagiri District to inspect the area in question and submit a factual as well as action taken report if there is any violation found.
- iii. In the said order it has been stated that, the Mining and Geology Department, Krishnagiri District will be the nodal agency for co-ordination and for providing necessary logistics for this purpose and directed to submit the report on or before 20.09.2021.
- iv. Further, based on the request made by the District Collector, the time limit for submission of the report was extended upto 25.10.2021 by the Hon'ble National Green Tribunal vide order dated:20.09.2021.

2. Composition of the Committee:

- i. In view of the above, as per the National Green Tribunal order dated 11.08.2021 the Joint Committee consisting of the following members had been constituted vide District Collector, Krishnagiri proceedings Rc.No.666/2021/Mines dated:17.08.2021.

(Annexure-I)

1. The Revenue Divisional Officer, Krishnagiri.
 2. The Deputy Director of Geology and Mining, Krishnagiri
 3. The District Environmental Engineer (DEE), Tamilnadu Pollution Control Board (TNPCB), Hosur, Krishnagiri District.
- ii. The District Collector, Krishnagiri has given instructions to the members of the joint committee to conduct field inspection in the subject area in accordance with the National Green Tribunal order dated 11.08.2021 and submit detailed report to the Tribunal within the time stipulated.
 - iii. Further, the District Collector, Krishnagiri has also given instruction to the Tahsildar, Krishnagiri to render necessary assistance for providing revenue records during inspection and issue suitable instructions to the Firka Surveyor to verify the boundaries and to take measurements of pits noticed in the subject area and to submit report.

3. Observation of the Joint Committee:

The Joint committee consisting of the Revenue Divisional Officer, Krishnagiri, District Environmental Engineer (DEE), Tamilnadu Pollution Control Board (TNPCB), Hosur and Deputy Director of Geology and Mining had inspected the subject area on 08.09.2021, 08.10.2021 and 19.10.2021. During inspection the Village Administrative Officer, Kallukurikki village, Revenue Inspector, Krishnagiri, Firka Surveyor and Surveyor (Mines) O/o. of the Deputy Director of Geology and Mining, Krishnagiri were also present and

assisted at the time of inspection. The lessee cum seventh respondent Thiru.M.Venkataraman was also present at the time of inspection in the quarry site.

The details of quarry leases granted / precise area communication issued in the subject area in Government land S.F.No.399 of Kallukurukki village is given as under.

Sl. No	Name of the lessee / Applicant	S.F. No. & Extent (in hecets)	District Collectors Proceedings	Lease period	Remarks
1.	Thiru. M.Venkataraman	S.F. 399/1 (Part-A) 5.00.0 hect	Rc.No.612/2009 /Mines-1 dated:27.10.2009 [Annexure-II]	11.06.2010 to 10.06.2015	The lessee vide representation dated 09.09.2015 had stated that even though the lease deed had been executed on 11.06.2010 the lease granted area had been demarcated based on the Hon'ble High Court order dated:27.11.2012 in W.P.No.30780/2012 only on 11.03.2013 and requested to permit him for the non operative period of 2 years and 9 months. The request has been rejected vide District Collector, Krishnagiri order dated 04.05.2015. Aggrieved against this he has also filed the W.P.No.11236/2015 and the Hon'ble High Court of Madras in its order dated 07.10.2015 has set aside the order and remitted back the case to the District Collector for fresh consideration. Aggrieved against this he has also filed W.P.2114/2016. The Hon'ble High Court of Madras in its order dated 08.03.2016 (Annexure-III) in WMP.No.1838/2016 in W.P.No.2114/2016 has allowed the W.P. and permitted to carry on the quarrying operation for the unutilized period of two years and nine months. The Government have filed the writ appeal and the Hon'ble High Court of Madras in its order dated 30.08.2017 in W.A.No.983/2017 in CMP.No.13762/2017 have not entertained the writ appeal and dismissed the case with a direction to reconsider the

					extension of lease period. Accordingly, the Mining plan approved by the Deputy Director (G&M) vide letter dated 06.04.2018 (Annexure-IV) and EC clearance issued by DEIAA vide letter No.03/DEIAA/KGI/EC.No.32/2018 dated:27.08.2018 (Annexure-V) the lease period had been extended vide District Collector proceedings Rc.No.165/2011/Mines dated:19.06.2019. (Annexure-VI)
			Rc.No.165/2011 /Mines dated: 19.06.2019	19.06.2019 to 18.03.2022	Supplementary lease deed had been executed on 19.06.2019 for the unutilized lease period.
2.	Thiru.M.Rama krishnan	399/1 (Part-B) 5.00.0 hets	Rc.No.612/2009 /Mines-1 dated:27.10.2009 (Annexure-VII)	08.02.2010 to 07.02.2015	Since the mining plan and Environmental clearance were not stipulated in the TNMMCR 1959 at the time of grant of the lease, the lessee has operated the subject quarry without mining plan and Environmental clearance.
3.	Thiru.T.Rajesh	399/1 (Part-B) 1.00.0 hect	Precise area communicated Rc.No.164/2018 /Mines Dt:09.03.2018 (Annexure-VIII)	-	The Mining plan was approved by the Deputy Director (G&M) vide letter dated 02.05.2018 (Annexure-IX) and Environmental Clearance issued by DEIAA vide letter No. No.03/DEIAA-KGI/EC.No.30/2018 dated 27.08.2018 (Annexure-X). The applicant has filed writ petition in W.P.No.11728/2021 before the Hon'ble High Court of Madras and the case is pending. Hence the execution of lease deed is also pending.

The details of EC / CTO consent to operate issued to the lessees.

Sl. No	Name of the lessee / applicant	Mining plan approval letter	Environmental Clearance	Consent to operate issued by TNPCB
1.	Thiru.Venkata raman	Phase-I	Since the mining plan and Environmental clearance were not stipulated in the TNMMCR 1959 during the grant the lessee has operated the subject quarry without mining plan and Environmental clearance during the Ist Phase of lease.	
		Phase-II	Rc.No.612/2009 /Mines-2 dated: 06.04.2018	DEIAA vide letter No.03/DEIAA/KGI/ EC.No.32/2018 dated: 27.08.2018
2.	Thiru.Rama krishnan	Since the mining plan and Environmental clearance were not stipulated in the TNMMCR 1959 during the grant of the lessee has operated the subject quarry without mining plan and Environmental clearance.		

3.	Thiru.Rajesh	Rc.No.164/2018/Mines Dt: 02.05.2018	EC clearance issued by DEIAA vide letter No. No.03/DEIAA-KGI/EC.No.30/2018 dated 27.08.2018	Consent to operate is awaited from Tamil Nadu Pollution Control Board
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4. Quantity of Rough Stone permitted in the approved mining plan / Environmental Clearance and transport permit obtained by the lessee and Details of quarrying in the non lease area.

The Surveyor (Mines) O/o. the Deputy Director of Geology and Mining, Krishnagiri has measured all the quarried pits in the subject area (**Annexure-XII, XIII**) along with Assistant Geologist (Mines) and complied the permit obtained details as given below.

Sl. No	Name of the lessee	Quantum of minerals permitted for production in the approved mining plan /EC (cbm)	Quantum of minerals for which transport permits obtained (cbm)	Actual quantity of minerals quarried and removed as per pit dimension (cbm)	Quantum of minerals quarried and transported un lawfully (cbm)	Remarks out at mining (cbm)
1.	Thiru.Venkataraman - 1 st period	-	20940	3058	17882 (Excess)	30872 [30102cbm on the southern side of S.F.399/ (Part-A) and 770cbm in the area for which lease to be granted to Thiru.Rajesh]
	2 nd period	1274605	21150	17772	3378	
	TOTAL	1274605	42090	20830	21260	30872
2.	Thiru.Ramakrishnan	-	55367	63306	7939	26682
3.	Thiru.Rajesh	492310	Lease deed has to be executed. Quarry is under non operation. No men and machinery is noticed in the subject area.			-

From the above, it is estimated that,

- (i) Thiru.Venkataraman has obtained transport permit for a quantity of 42090cbm of rough stone during the two spells of lease and as per pit dimension he has quarried and removed only 20830cbm of

rough stone in the lease granted area and hence he has misused the transport permits obtained for quarrying stone in the non lease area.

- (ii) Thiru.Venkataraman has encroached the adjacent non lease area on the southern side and quarried 30102cbm unauthorizedly, and also encroached the area for which lease to be granted to Thiru.Rajesh on the eastern side and quarried 770cbm of stone unauthorizedly. Hence, in total he has quarried stone in the non lease area with a quantity of 30872cbm of rough stone without paying seigniorage fee.
- (iii) Thiru.Ramakrishnan has obtained transport permit for a quantity of 55367cbm of rough stone and as per pit dimension he has quarried and removed only 63306cbm of rough stone and hence he has removed and transported 7939cbm of rough stone without paying seigniorage fee in the earlier lease granted area.
- (iv) Thiru.Ramakrishnan has encroached the adjacent non lease area on the southern side and quarried 26682cbm of stone unauthorizedly without paying seigniorage fee.

5. Violations observed during the inspection within the area granted under lease:

1. Lease granted area to Thiru.Venkataraman S.F.399/1(Part-A) Extent:5.00.0 hect:

- i. The lessee has not maintained the boundary pillars in the lease granted area as stipulated in special condition No.10 (12) of the lease extension order dated: 19.06.2019.
- ii. The lessee had not carried out mining operation in accordance with approved mining plan thereby violated the conditions stipulated in rule 41(10)(i) of TNMMCR 1959.

- iii. The lessee has not renewed consent to operate issued by the District Environmental Engineer (DEE), Tamil Nadu Pollution Control Board (TNPCB), Hosur and operated quarry without consent from 01.10.2020 to 05.07.2021. for the said violation show cause notice was issued vide District Environmental Engineer, Tamil Nadu Pollution Control Board, Hosur proceedings No.F/HSR.2483/RS/DEE/TNPCB/HSR/W&A/2021 dated:02.09.2021 (**Annexure-XIV**).
- iv. The lessee has not erected the name board at the quarry site.
- v. In the quarry lease granted area to Thiru.Venkataraman, an accident occurred on 06.07.2021 at about 4.00 PM and the employee named Thiru.Vijay aged 35 got injured and demised in the Government Hospital, Krishnagiri. FIR in Crime No.95/2021 U/s. 279, 304(A) IPC dated:06.07.2021 had been filed in the Maharajakadai Police Station of Krishnagiri Taluk. Hence the quarry operation was temporarily stopped vide District Collector proceedings Rc.No.666/2021/Mines dated:22.07.2021 (**Annexure-XV**).
- vi. The lessee has obtained transport permit for a quantity of 42090cbm of rough stone and as per pit dimension measured by the Surveyor (Mines) the lessee has quarried and removed only 20830cbm of rough stone and hence he has misused the transport permits obtained for quarrying stone from the non lease area.
- vii. The lessee has encroached and also carried out quarrying in the non lease granted area situated on the southern side of the lease area. The quantity of rough stone quarried in

the non lease area worked out by the Surveyor (Mines) is 30872 cbm.

2. Lease granted earlier to Thiru.Ramakrishnan in S.F.399/1(Part-B) expired on 07.02.2015.

- (i) At the time of grant of lease there are two age old pits noticed and marked in the lease deed sketch itself. The quantity of the above two pits were not included in the present calculation because the Ex-lessee Thiru.Ramakrishnan is no way connected for the said pits.
- (ii) Thiru.Ramakrishnan has obtained transport permit for a quantity of 55367cbm of rough stone only and as per pit dimension he has quarried and removed 63306cbm of rough stone and hence he has removed and transported excess quantity of 7939cbm of rough stone without paying seigniorage fee in the earlier lease granted area.
- (iii) Thiru.Ramakrishnan has encroached the adjacent non lease area on the southern side and quarried 26682cbm of stone unauthorizedly without paying seigniorage fee.

3. Lease to be granted to Thiru.Rajesh :

- i. The applicant has not erected the boundary pillars demarcating the subject area.
- ii. No men and machinery is noticed in the subject area.
- iii. The applicant has not yet obtained consent to operate from the Pollution Control Board. Further, he has filed W.P.11728/2021 before the Hon'ble High Court of Madras with a prayer to take action to execute the lease deed and also to extend the lease period from 05 years to 10 years. The execution of lease deed is pending.

6. Environmental compensation and cost required for

Environmental damages :

As per the District Environmental Engineer, Tamil Nadu Pollution Control Board, Hosur letter dated 20.10.2021,

- a. There is no deposition of dust particles were observed in the agriculture lands, habitations located in the vicinity of the said quarry located at S.F.No.399/1(Part-A), Kallugurikki Village, Krishnagiri Taluk and Krishnagiri District.
- b. The siting criteria provided as per the above B.P No. 04 dated 02.07.2004 is applicable only to the stone crusher and not applicable to the rough stone quarries as claimed by the petitioner.
- c. The lessee has not renewed consent to operate issued by the District Environmental Engineer, Tamil Nadu Pollution Control Board, Hosur and operated quarry without concerned from 01.10.2020 to 05.07.2021. Hence, show cause notice was issued vide District Environmental Engineer (DEE), Tamil Nadu Pollution Control Board (TNPCB), Hosur proceedings No.F/HSR.2483/RS/DEE/TNPCB/HSR/W&A/2021 dated: 02.09.2021.
- d. The unit has submitted reply vide letter dated 16.09.2021 to TNPCB stating that, *'They have not carried out the quarry operations due to the fatal accident happened at their quarry site on 6th July 2021 and as per the letter dated July 2021. Due to the Covid-19 Pandemic situation they are unable to file the application for the renewal of consent order from the TNPCB board and assured to pay the consent fee and apply for the renewal of consent order of the Board immediately in TNPCB OCMMS portal. Further the unit has requested not to take any further proceedings against their stone quarry.'*

e. The unit has not complied with the following conditions imposed in the Environmental Clearance and Consent to operate orders issued under the Water (P&CP) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended.

i) Air sampling at intersection point should be conducted and reported to TNPCB, Department of Geology and Mining and Regional Director, MoEF, GOI. periodically once in six months.

ii) Free silica test should be conducted and reported to TNPCB, Department of Geology and Mining and Regional Director, MoEF, GOI once in three months.

iii) The project proponent shall ensure a minimum of 2.5 of the annual turnover will be utilized for the CSR Activity.

iv) The periodical analysis of Air, dust, vibration and noise to be done while mining.

f. In view of the above, the District Environmental Engineer (DEE), Tamil Nadu Pollution Control Board (TNPCB), Hosur has arrived the environmental compensation has detailed below:

As per the Central Pollution Control Board guidelines the Environmental Compensation shall be calculated as, (**Annexure-XVI**)

Environmental compensation to be paid (EC)=PI x N x R x S x LF

Where

PI :	Pollution index of Industrial sector – 80 for Red category Industries
N :	Number of days for which violation took place

1. Revenue records verified and maintained with unit during inspection on 01.09.2021 that the quarry was operated up to 05.07.2021.

2. Hence, the period of violation taken into account is = 278 days [from 01.10.2020 to 05.07.2021] (the unit's consent to operate was expired on 31.03.2020 however, the validity of the consent was extended upto 30.09.2020 due to Covid-19 pandemic as per the Board office order. No. TNPCB/P&D/2020 dated: 01.07.2020.

R -factor in Rupees - Rs.250/- for violation

S-Scale of operation - 0.5 for small scale unit

LF - Population is less than one million, Hence location factor - 1.0

Hence, Environmental Compensation = $80 \times 278 \times 250 \times 0.5 \times 1.0$
= Rs.27.80 Lakhs

The above Environmental Compensation is arrived based on the available records. Hence, it is submitted that an environmental compensation of Rs.27.80 lakhs may be levied to the unit bases on the above calculations and as per the Hon'ble National Green Tribunal dated:20.09.2021 in O.A.No.175 of 2021 (SZ).

7. Recommendations:

- a) For illegal and unlawful quarrying of 30872cbm of rough stone quarried in the non lease area without paying necessary seigniorage fee and excess quantity of 21260cbm of rough stone for which permit obtained and misused by Thiru.Venkataraman for the adjacent non lease area, necessary action has to be initiated by the concerned authority as per rule 36-A of TNMMCR-1959.
- b) For illegal and unlawful quarrying of 26682cbm of rough stone quarried in the non lease area without paying necessary seigniorage fee and excess quantity of 7939cbm of rough stone quarried in the earlier lease period for which permit not obtained and transported unauthorisedly by Thiru.Ramakrishnan,

necessary action has to be initiated by the concerned authority as per rule 36-A of TNMMCR-1959

- c) For the violations of the lease deed conditions penal action may be imposed against Thiru.Venkataraman in respect of such breach and lease may be cancelled after granting an opportunity of hearing to the lessee as per rule 36(5)(h) of TNMMCR 1959.
- d) Quarrying may be allowed only after taking remedial measures and after getting concurrence from the Director General of Mines Safety and District Collector.
- e) The committee recommends that the lessee shall deposit Environmental compensation as arrived by the District Environmental Engineer (DEE), Tamil Nadu Pollution Control Board (TNPCB), Hosur and the amount shall be used for restoration of Environment and for necessary remedial and preventive measures in regard to Environmental matters.


 District Environmental Engineer
 (DEE), Tamil Nadu Pollution Control
 Board (TNPCB), Hosur, Krishnagiri
 District


 Deputy Director,
 Dept. of Geology and Mining,
 Krishnagiri


 Revenue Divisional Officer,
 Krishnagiri