

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI
ORIGINAL APPLICATION NO. 30 OF 2020 (SZ)
[EARLIER O.A.NO. 337 OF 2018 (PB)]

IN THE MATTER OF

K.HIROJI RAO

... APPLICANTS

VERSUS

UNION OF INDIA & OTHERS

... RESPONDENTS

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Dated at Chennai on this the 9th day of March 2021

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ADVOCATES
COUNSEL FOR RESPONDENTS

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

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**RESPONSE TO THE WRITTEN SUBMISSION FILED BY THE
APPLICANT AND ALSO THE REPORT OF THE JOINT COMMITTEE
DATED MARCH 2021**

At the outset, it is submitted that the Private Respondents who are running the Stone Crushing Units are willing to pay the total Environmental Compensation amount fixed by the Joint Committee of Rs.1,17,40,000/-as per the details given in the report.

1. The Joint Committee Report filed in March 2020 is in pursuance of the earlier orders of this Tribunal dated 12.06.2020 and 11.11.2020. By the order dated 05.03.2020, the Hon'ble Tribunal was pleased to permit all Mining and Crushing Activity after going through the detailed report of the Joint Committee which concluded that

- (a) the carrying capacity study reveals that there is no impact but surrounding villages out to the crushing activities
- (b) as per the vibration study if the blasting of rock is conducted as per the designed parameters, it will not cause any damage to structures located in Nemakal Village.

2. The report of the Joint Committee also reveals that based on finding of survey by other Departments there is no damage to environment. This Tribunal adjourned the matter after noting that Appeals

against the earlier closure orders were allowed and the units were permitted to operate with a rider that they will file an undertaking to pay the Environmental Compensation that is likely to be imposed.

3. Now, the Environmental Compensation for the relevant period prior to the closure of industries in July 2018 has been imposed. Even though the Crushing Units may have the right to question the fixation of compensation amount, yet, the Units do not want to prolong the issue any further and therefore are willing to pay the Environmental Compensation as concluded by the Joint Committee in order to give a quietus to the issue.

4. It is respectfully submitted due to non operation of the units which were completely closed for nearly two years between 2018 and 2020 and thereafter due to COVID situation, the units have suffered severe loss and are already facing proceedings initiated by the Banks for recovery of dues. Therefore, the Respondents pray that they may be permitted to pay the Environmental Compensation amount as fixed by the Joint Committee in installments within such reasonable period as this Hon'ble Tribunal may direct.

5. As regards the submissions made by the Applicant in response to the earlier reports, it is submitted that the duty of the Applicant stands discharged once he brought the issues to the notice of this Hon'ble Tribunal and the fact finding committee was appointed by this Hon'ble Tribunal between the year 2018 & 2020. Pursuant to several orders of this Hon'ble Tribunal right from the inception of the case, number of inspections have been conducted by the Joint Committee. In pursuance of the order dated 04.10.2019 the Mines & Geology Department engaged the services of National Institution of Rock Mechanics (NIRM), Bangalore and conducted a detailed study, the cost of which was totally borne by all the Private Respondents. The Committee after taking into account the carrying capacity reports and the vibration study, has concluded that there is no damage to the environment. Imposition of Environmental Compensation for past violation was the only aspect that was left to be considered. The

crushing units, as stated supra, are willing to pay the Environmental Compensation as fixed in such instalments as may be directed. (3)

6. As regards the objections raised by the Applicant at this stage questioning the authenticity of the report, the same are too far-fetched. The Applicant has been hounding the industries for several years and has been indulging in extortion. The apprehensions of the Applicant are totally unfounded and the Applicant has made it a habit of prolonging the issues in this case in order to harass the industries. The applicant is also endlessly attempting to enlarge the scope of the case to suit his personal gain. The objections raised are thus frivolous. The comparative tables between old and new findings of the Committee are totally misleading.

7. It is submitted that the applicant has been relying on some communications from certain authorities regarding alleged pollution in the area right from the inception of the case. However, the Joint Committee appointed by this Hon'ble Tribunal has filed several reports and none of the reports point out any damage to environment. Therefore, all the objections raised by the Applicant to the report of the Joint Committee are liable to be rejected.

8. It is submitted that the Joint Committee reports may be accepted and suitable directions may be given for payment of Environmental Compensation in installments over a reasonable period by passing final orders in the Application.

It is therefore, prayed that this Hon'ble Tribunal may be pleased to take this Written Response/Submissions of the Respondents on record and pass suitable orders in O.A.No.30/2020 (SZ) and thus render justice.

Dated at Chennai on this the 9th day of March 2021



COUNSEL FOR RESPONDENTS