

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
BENCH, CHENNAI**

APPEAL NO. 33 of 2023

IN THE MATTER OF: -

R. Surya

.... Applicant

Versus

The Member Secretary, SEIAA and Ors.

.... Respondent

**COUNTER AFFIDAVIT FILED ON BEHALF OF STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)**



Filed by:
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Appeal No.33 of 2023 (SZ)

Thiru. R. Surya,

S/o. Mr. Ramasamy,

RKG Complex, Ramesh Nagar,

2nd Cross Street, West Tambaram,

Chennai – 600 045.

Email: surya_srem@yahoo.com &

Phone No. 9080986079

... APPELLANT

Vs

1. State Level Environment Impact Assessment Authority (SEIAA),

Rep. by its Member Secretary,

3rd Floor, Panagal Maaligai, No.1, Jeenis Road,

Saidapet, Chennai – 600 015.

Email: seiaamstn@gmail.com &

Phone No. 044-24359973

2. State Level Expert Appraisal Committee (SEAC),

Rep. by its Chairman,

3rd Floor, Panagal Maaligai, No.1, Jeenis Road,

Saidapet, Chennai – 600 015.

Email: seacchairmantn@gmail.com &

Phone No. 044-24359973.

... RESPONDENTS



Member Secretary

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN

Panagal Maligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

**COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – TAMIL NADU,
THE 1st and 2nd RESPONDENTS**

I, Deepak S. Bilgi, I.F.S., Age 44 years working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Maaligai, Saidapet, Chennai – 600015 solemnly affirm and sincerely state as follows:

1. I am filing this counter affidavit on behalf of the 1st & 2nd Respondent/SEIAA-TN herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. I deny the averments and allegations stated in this Appeal No.33 of 2023 except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. It is respectfully submitted that; the project proponent has applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) seeking Environmental Clearance to the Rough Stone and Gravel quarry in Patta land measuring an extent of 2.10.50 Ha in S.F.Nos. 717 & 720 of Magaral B village, Walajabad Taluk, Kancheepuram District.
4. The proposal was placed in **351th (SEAC) State Expert Appraisal Committee** meeting held on 03.02.2023. The details of the project furnished by the proponent are available in the website (parivesh.nic.in).

The SEAC noted the following:

1. The proposed quarry/activity is covered under Category “B1” of Item 1(a) “Mining Projects” of the Schedule to the EIA Notification, 2006.
2. The ToR was issued vide Lr. No. SEIAA-TN/F. No. 8695/ToR-1047/2022 Dated: 31.01.2022 to Thiru. R. Surya for the proposed rough stone & Gravel Quarry lease over an extent of 2.10.50Ha in S.F.Nos.718 & 720 of Magaral B Village, Walajabad Taluk, Kancheepuram District, Tamil Nadu.
3. Minutes of public hearing conducted on 13.09.2022.
4. Final EIA report submitted on 25.11.2022.


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5. Now, the Project Proponent, Thiru. R. Surya has applied for Environmental Clearance with EIA report along with minutes of public hearing for the proposed rough stone & Gravel Quarry lease over an extent of 2.10.50Ha in S.F.Nos.718 & 720 of Magaral B Village, Walajabad Taluk, Kancheepuram, District, Tamil Nadu.
6. The precise area communication/lease is issued for the period of 5 Years. The approved mining plan is for the period of five years & production should not exceed 161587cu.m of Rough Stone, & 46548 cu.m of Gravel and the annual peak production shall not exceed 51,880 m³ of rough stone (4 th Year) & 26136 cu.m of Gravel (2 nd Year). The ultimate depth is 20m BGL.

Based on the presentation and documents furnished by the project proponent, SEAC noted that a public complaint (Monday Petition Dt: 30.09.2022) was received in this office Dt: 14.11.2022. SEAC after detailed discussion decided to defer the proposal and requested the PP to carry out a Comprehensive Study furnishing the following

- i. Details of schools located at the vicinity of the project site.
- ii. Details of timing of the school and mode of transport for the children
- iii. Details of mode of transport and details on the transportation route through which quarried materials are scheduled to be hauled.
- iv. Standard Operating Procedure indicating the Time schedule of proposed blasting operation.

5. Subsequently, the subject was placed in **596 th SEIAA meeting held on 22.02.2023 & 23.02.2023**. The authority decided to request the Member Secretary, SEIAA to communicate the SEAC minutes to the project proponent held on 03.02.2023
6. The project proponent has furnished reply vide his letter Dated:10.03.2023. The proposal was again placed for appraisal in 366 th meeting of SEAC held on 30.03.2023. The Committee decided to defer the proposal and to place this proposal in any one of the Forth coming SEAC.


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7. The proposal was again placed in **375 th SEAC** meeting held on 04.05.2023.

Based on the presentation and documents furnished by the project proponent, SEAC observed the following

- i) During the Public Hearing, it was observed that high number of public objections have been registered against this proposed quarry from the Villagers in regard to impact of mining & its transportation of quarried minerals was recorded in the minutes of public hearing conducted on 13.09.2022.
- ii) Also, it was noted that the Panchayat Union Primary School located in the haul road leading to the proposed quarry has been severely affected due to movement of large number of loaded trucks from the adjacent operating quarries and forcing the school management to shut down the doors & windows in order to reduce the dust and noise environment.
- iii) It was also observed that the roads are very poorly managed by the existing quarry operators resulting in creation of pot holes, etc.
- iv) It was also noted that the existing quarries located adjacent to the proposed quarries are operating huge number of trucks resulting in creation of crowded truck movement in the road leading to the village so as to create a dangerous situation for the pedestrians and other vehicle operators.

Further, SEAC noted that due the presence of a number of quarries & crushers, the area has been subjected to heavy load of pollution from the point sources and fugitive emissions and due to transportation of mined materials have led to deterioration of roads. The report submitted by the EIA coordinator indicated that the windows of the school on the roadside had to be kept closed to prevent dust affecting the health of students. The entry gate to the school also had to be shifted to the backside for the same reason. Allowing more mines in this area will be detrimental to the environment and health of people living in the area. In view of the above, SEAC decided not to recommend EC for this project Proponent.


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8. Subsequently, the proposal was placed in the **622th State Level Environment Impact Assessment Authority (SEIAA)** meeting held on 26.05.2023. the Authority decided to accept the decision made by the SEAC and decided to request the Member Secretary, SEIAA to communicate the SEAC minutes to the project proponent.
9. The project Proponent vide his Ir Dt: 22.06.2023 has requested to reconsider their said EC application for grant Environmental clearance based on the explanations stated therein and along certain documents. In view of the above, it was informed that the rejected proposals will not be re-considered for appraisal at SEIAA/Tamilnadu. If the project proponent (PP) feels aggrieved by the decision of SEIAA in regard to grant/rejection of Environmental clearance, the project proponent may approach Hon'ble National Green Tribunal (SZ) vide Letter No. SEIAA-TN/F.No.8667/2021 dated: 14.07.2023
10. Meanwhile, in the appeal No.14 of 2023(SZ), The National Green Tribunal Southern Zone, Chennai vide order Dt: 20.09.2023 has stated the following
- “However, admittedly, the SEIAA – Tamil Nadu has neither communicated to the appellant about their rejection of the proposal for them to prefer an appeal, nor such an order was uploaded on the website. As the appellant did not get a formal order of communication, he is unable to challenge the same as per law. Though in the appeal, the appellant has only sought for quashing of the order rejecting the reconsideration, we move the relief and direct the SEIAA – Tamil Nadu to communicate the order of rejection based on the meeting conducted on 26.05.2023 within two weeks.”
11. In this regard, the project proponent was informed that the online proposal no. 407149/2022, dt: 21.11.2022 was rejected and hence the file is closed and recorded Accordingly vide Letter No. SEIAA-TN/F.No.8695/2021 dated:29.09.2023. The project proponent has been communicated.


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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 to fit and proper in light of the facts and circumstances of this case and render justice.

FIRST & SECOND

RESPONDENT

Solemnly affirmed at Chennai

On this 21st day of November 2023

& Signed his name in my presence.



BEFORE ME

[Handwritten Signature]
... 21 / 11 / 2023

Member Secretary

SEIAA-TN

Member Secretary
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