

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

APPEAL NO. 45 of 2023

IN THE MATTER OF: -

M.P.Shanmugharaja

.... Applicant

Versus

The Member Secretary, SEIAA and Anr

.... Respondent

**ADDITIONAL REPLY FILED ON BEHALF OF STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)**



Filed by:
G.M. SYED NURULLAH SHERIFF
Senior Standing Counsel
MoEF & Cc.
Mob. No. 9444015330
Counsel for Respondent no.1

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Appeal No. 45 of 2023

M.P. Shanmugharaja

Vs

State Level Environment Impact Assessment Authority (SEIAA),

&

State Level Expert Appraisal Committee (SEAC)

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONE, CHENNAI****Appeal No.45 of 2023 (SZ)**

M.P. Shanmugharaja,
S/o Panneer Selvam,
D.No.5/15L, Subbarayan Nagar,
Mettur Dam,
Salem District – 636401.

... 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

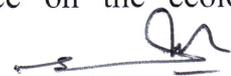
ADDITIONAL COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA –
TAMILNADU, THE FIRST AND SECOND RESPONDENTS

I, A.R. Rahul Nadh I.A.S, aged 36 years, working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Maligai, Saidapet, Chennai - 600 015, solemnly affirm and sincerely state as follows:

1. I am filing this additional counter affidavit on behalf of the First & Second Respondents herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.


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

2. It is respectfully submitted that the project proponent Thiru. M.P. Shanmugaraja has applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) seeking prior Environmental Clearance for the project/activity covered under Category “B1” of Item 1(a) “Mining Projects” of the Schedule to the EIA Notification, 2006 for the Proposed Rough Stone Quarry lease over an extent of 0.64.5 Ha of Patta land in S.F.No. 140/1 & 141/2 of Moolakkadu Village, Mettur Taluk, Salem District, Tamil Nadu vide online proposal No. SIA/TN/MIN/416440/2023, dated 31.01.2023.
3. It is respectfully submitted that the proposal was placed in the 373rd meeting of State Expert Appraisal Committee (SEAC) held on 28.04.2023. Based on the presentation and documents furnished by the project proponent, SEAC noted that the proposed site is in an ecologically sensitive area. It is surrounded by the Palamali Reserve Forest on three sides and the fourth side is very close to Mettur dam. Therefore, SEAC decided not to recommend the proposal for the grant of Environmental Clearance and it was accepted by SEIAA-TN. In this regard, the rejection letter was sent to the Project proponent vide this office letter No. SEIAA-TN/F.No.9781/2023 dated 16.08.2023.
4. It is respectfully submitted that, the Mettur Dam (Major Dam), a significant structure built over the river Cauvery, is approximately 1.8 km away from the proposed project site, which is situated downstream of it. It is apprehended that if this quarry is in operation, it might affect the dam safety. The project is bounded on three sides by the Palamali Reserve Forest. The dam provides essential water for large-scale farming, wildlife habitat, and nearby settlements.
5. It is respectfully submitted that, since the proposed quarry is a rough stone quarry, blasting activity will be conducted, which will disrupt the natural equilibrium of the Palamali Reserve Forest and the livelihood of wild animals.
6. It is respectfully submitted that, any disruptions or negative effects brought on by the quarrying operations may have a significant influence on the ecology



surrounding the Mettur Dam and have far-reaching effects on both the environment and human well-being. The location is therefore a vulnerable ecological area.

7. It is respectfully submitted that, a letter addressed to the Tamil Nadu Dam Safety Organization by this office vide Lr.No. SEIAA-TN/F.No.9781/Legal/2024 dated 05.03.2024 seeking clarifications over the safety distance for quarrying activities around the Mettur dam.
8. It is respectfully submitted that, Tamil Nadu Dam Safety Organization (Special Chief Engineer, Water Resource Department, Chennai) has forwarded the letter received from the Chief Engineer, WRD, Trichy Region to this office vide Lr. No. M/F.3/Dam Safety Act/SDSO/AE IV/2024 dated 26.04.2024 through email. In the Chief Engineer, WRD, Trichy Region letter dated 18.04.2024 it is reported as follows:

“The Executive Engineer, WRD, Mettur Dam Division, Mettur vide Letter dated 02.04.2024, has submitted the detailed report on the above subject as follows;

The Mettur Dam was Constructed during the year 1925-1934 and it is located in Navapatty village of Mettur Taluk in Salem District. The Proposal rough stone quarry is situated at S.F.No.140/1 & 141/2 in Moolakkadu village of Mettur Taluk in Salem District. The Proposed Quarry site is surrounded by Palamalai reserve forest on three sides and the fourth side is nearer to Stanley Reservoir water spread area. The aerial distance between the proposed rough stone quarry site and the water spread area is 1.25 km. The road distance between Mettur Dam body wall and the proposed quarry site is 4.40 Km. The aerial distance between Mettur Dam body wall and the proposed quarry site is 3.40 Km.

The proposed rough stone quarry site is 4.40 km to the Mettur Dam body wall and 1.25 km to water spread area, Due to the Mining activities, the 90 years old dam may get affected ad also the inflow from Palamalai reserve


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

forest to water spread area may get deviated. Carrying out mining operation near to Mettur Dam body wall, the integrity and stability of Mettur Dam may not be ensured. Also blasting in nearby quarry sites will affect the readings recorded in seismograph and accelerograph fixed in the Dam body wall to study the seismic activity in the surroundings of Mettur Dam. Hence, the mining operation and other activities nearest to the Mettur Dam is not advisable.”

9. It is respectfully submitted that the Chief Engineer, WRD, Trichy Region has forwarded the letter to the Director, Engineering Geology Division, Geological Survey of India, Chennai vide Letter.No.117 EIC/AE-II/F.38(Mettur General)/2024 dated 18.04.2024 requesting him to provide valuable suggestion/recommendations regarding safety distance around the boundary of the dam for carrying out mining operations and other activities in order to ensure the integrity and stability of the Mettur Dam and the reply is awaited.

Therefore, 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 thus render justice.



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

Solemnly affirmed at Chennai on
this 20th day of May 2024 &
Signed his name in my presence

}

**FIRST & SECOND
RESPONDENT**

BEFORE ME

**MEMBER SECRETARY
SEIAA-TN**

**GOVERNMENT OF TAMILNADU
WATER RESOURCES DEPARTMENT**

From

Er.I.Selvapackiam, B.E.,

Special Chief Engineer, WRD,
State Dam Safety Organisation,
Chepauk, Chennai – 5.

E-mail: tndamsafety@gmail.com

To

The Member Secretary,
State Level Environment Impact
Assessment Authority (SEIAA)-
TamilNadu,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015.

Lr.No. M / F.3 / Dam Safety Act / SDSO / AE IV / 2024 dt. 26.04.2024

Sir,

Sub: TNWRD - State Dam Safety Organization – State Level Environment Impact Assessment Authority (SEIAA) – TN – Clarification regarding safety distance around the Mettur Dam for carrying out the mining activities – Details Requested by SEIAA – Reg.

Ref: 1. Member Secretary, SEIAA, Chennai, Lr.No.SEIAA-TN/F.No.9781/Legal/2024 dated 05.03.2024 addressed to this office.
2. T.O.Lr.No. M / F.3 / Dam Safety Act / SDSO / AE IV / 2023 dated 13.03.2024 addressed to the Chief Engineer, WRD, Trichy Region and copy marked to the Member Secretary, SEIAA-TamilNadu.
3. T.O.Lr.No. M / F.3 / Dam Safety Act / SDSO / AE IV / 2023 dated 15.04.2024 addressed to the Chief Engineer, WRD, Trichy Region.
4. Chief Engineer, WRD, Trichy Region, Trichy, Letter No.117 EIC / AE-II / F.38 (Mettur General) / 2024 / dated 18.04.2024 addressed to the Director, GSI and copy marked to this office.

In the reference letter 2nd and 3rd cited, the Chief Engineer, WRD, Trichy Region has been requested to furnish the detailed report on the clarification regarding safety distance around the Mettur Dam for carrying out the mining activities specifically indicating whether the Rough stone quarry affects the Mettur dam enclosing a copy of ref. 1st cited.

In this regard, it is informed that, the Chief Engineer, WRD, Trichy Region is the Inspecting Officer for Mettur dam and also the Regional Chief Engineer for all the dams coming under his Territorial Jurisdiction.

The Chief Engineer, WRD, Trichy Region has addressed the Director, Engineering Geology Division, Geological Survey of India (GSI), Chennai and requested to provide valuable suggestions / recommendations regarding the safety distance around the boundary of Mettur dam for carrying out the mining operation and other activities in order to ensure the integrity and stability of Mettur dam vide reference 4th cited and a copy of the letter is enclosed herewith for favour of information.

Encl.:- Copy of letter 4th cited.

-Sd/-, 26.04.2024

Special Chief Engineer, WRD,
State Dam Safety Organisation, Chennai.

1. Copy submitted to the Chief Engineer, WRD, Operation and Maintenance and State Dam Safety Organization, Chepauk, Chennai –5 for favour of information.
2. Copy submitted to the Chief Engineer, WRD, Trichy Region, Trichy for favour of information and further action. The Chief Engineer, Trichy Region is requested to send the Report to the Member Secretary, State Level Environment Impact Assessment Authority (SEIAA)-Tamilnadu, Chennai with a copy marked to this office.
3. Copy to the Superintending Engineer, WRD, Upper Cauvery Basin Circle, Salem for necessary action.
4. Copy to the Executive Engineer, WRD, Mettur Dam Division, Mettur for necessary follow-up action.

WATER RESOURCES DEPARTMENT

From
Er. M. Subramanian, BE.,
Chief Engineer, WRD.,
Trichy Region, Trichy – 20.
Phone No: 0431-2331411
Fax No: 0431-2331148
E. mail-ID: cetrydb@hotmail.com

To
The Director,
Engineering Geology Division,
Geological Survey of India,
State Unit: Tamil Nadu & Puducherry,
Inner Ring Road, Guindy,
Chennai-32.

Letter. No:- 117^{EIC} / AE-II / F. 38 (Mettur General) / 2024 / Date: 18.04.2024

Sir,

Sub : TNWRD – State Dam Safety Organization – State Level Environment Impact Assessment Authority (SEIAA) – TN – Clarification regarding safety distance around the Mettur Dam for carrying out the mining activities – Details requested by SEIAA – clarifications requested - Regarding.

Ref : 1. Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu, Chennai Letter No. SEIAA / TN / F, No. 9781 / Legal / 2024 / dated 05.03.2024.
2. The Special Chief Engineer, State Dam Safety Organization (SDSO), WRD, Chempauk, Chennai-05 Letter No. 46M / F.3 / Dam Safety Act / SDSO / AE-IV / 2023 / Dated 13.03.2024.
3. Executive Engineer, WRD., Mettur Dam Division, Mettur Letter No. 120M / DB / JDO-1 / F. 214(DS) / 2024 / Dated 02.04.2024.

In the reference letter cited, the Member Secretary, SEIAA has informed that the project proponent, Thiru, MP. Shanmugaraja has sought Environmental clearance for the proposed Rough Stone Quarry located at a distance of 1.8 Km from the Mettur dam, The Environmental clearance was rejected by the State Environmental Impact Assessment Authority of Tamilnadu as the proposed site is in ecologically sensitive area.

It is also informed that the above matter was taken up in the Hon'ble National Green Tribunal (SZ) on 20.02.2024. During the hearing, the Hon'ble Justice directed the

SEIAA-TN to seek clarification from the State Dam Safety Committee regarding whether any safety distance determined around the boundary of the dam for carrying out mining operation and other activities in order to ensure integrity and stability of Mettur dam.

In this regard, the Special Chief Engineer, State Dam Safety Organization (SDSO), WRD informed that, there is no information in Dam Safety Act, 2021 regarding carrying out of mining activities near dam site and requested to instruct the Executive Engineer, Mettur dam to inspect the dam site and furnish the detailed report on the above subject vide reference 2nd cited.

In the reference letter 3rd cited, the Executive Engineer, WRD., Mettur Dam Division, Mettur has submitted the detailed report on the above subject as follows.

The Mettur Dam was Constructed during the year 1925-1934 and it is located in Navapatty village of Mettur Taluk in Salem District. The Proposal rough stone quarry is situated at S.F.No.140/1 & 141/2 in Moolakkadu village of Mettur Taluk in Salem District. The Proposed Quarry site is surrounded by Palamalai reserve forest on three sides and the fourth side is nearer to Stanley Reservoir water spread area. The aerial distance between the proposed rough stone quarry site and the water spread area is 1.25 km. The road distance between Mettur Dam body wall and the proposed quarry site is 4.40 Km. The aerial distance between Mettur Dam body wall and the proposed quarry site is 3.40 Km.

The proposed rough stone quarry site is 4.40 km to the Mettur Dam body wall and 1.25 km to water spread area, Due to the Mining activities, the 90 years old dam may get affected and also the inflow from Palamalai reserve forest to water spread area may get deviated. Carrying out mining operation near to Mettur Dam body wall, the integrity and stability of Mettur Dam may not be ensured. Also blasting in near by quarry sites will affect the readings recorded in seismograph and accelerograph fixed in the Dam body wall to study the seismic activity in the surroundings of Mettur Dam. Hence, the mining operation and other activities nearest to the Mettur Dam is not advisable.

In this regard, the Director, Engineering Geology Division, Geological Survey of India, Chennai is requested to provide valuable suggestion / recommendations regarding safety distance around the boundary of the dam for carrying out mining operations and other activities in order to ensure the integrity and stability of the Mettur dam. Since the

details has to be furnished immediately to the Hon'ble NGT (SZ) for the above said matter.

Encl.: Copy of ref. 1st and 3rd cited.

Sd/....

Chief Engineer, WRD,
Trichy Region, Trichy 20.

Copy to the Special Chief Engineer, State Dam Safety Organization (SDSO), WRD, Chepauk, Chennai-05 for information.

Copy to the Superintending Engineer, WRD. Upper Cauvery Basin Circle, Salem for information.

Copy to Executive Engineer, WRD., Mettur Dam Division, Mettur for information.

V. S. S. S.
18/04/24

For Chief Engineer, WRD,
Trichy Region, Trichy 20.

[Signature]
18/04/24