

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

APPEAL NO.64 & 65 of 2021 (SZ)

1. M/s. Sri. Rathinagiriswarar Blue Metals,
Rep. by its Proprietor Mr.M.Palaniyandi,
No.2/34, Ambedkarar Street,
Somarasampettai,
Sriangam Taluk,
Trichy District

...Applicant

Versus

1. Navamani Mines Private Limited.
Rep. By its Managing Director P.Mani,
Door No.5/898, Azhagu Nagar,
Trichy Road,
Namakkal-637 007 & others.

...Respondent(s)

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Filed by

Advocate, Chennai.

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI.**

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Vs

1. Navamani Mines Private Limited.
Rep. By its Managing Director P.Mani,
Door No.5/898, Azhagu Nagar,
Trichy Road,
Namakkal-637 007.
2. The Tamil Nadu Pollution Control Board,
Rep. By its Member Secretary,
No.76, Anna Salai, Guindy,
Chennai-600 032.
3. The District Environmental Engineer,
The Tamil Nadu Pollution Control Board,
Karur.

...Respondents

**REPORT FILED ON BEHALF OF THE 2nd & 3rd RESPONDENT –
TAMIL NADU POLLUTION CONTROL BOARD**

I, R.Rajamanickam, S/o. P.M.Ramasamy , Hindu, aged about 57 years, having my office at No. 76, Mount Salai, Guindy, Chennai - 600032, do hereby solemnly affirm and sincerely state as follows:

R. Rajamanickam 22/10/2021
**JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.**

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing the status Report on behalf of the Respondent Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the respondent unit of M/s. Navamani Mines Pvt Ltd has obtained Consent to establish (CTE) of the Board under Water and Air Acts on 21/08/2019 with validity upto 31/03/2024 to establish a stone crusher and M sand unit at S.F No. 19/1C,20/1B2 & 21/2, Sivayam North Village,Krishnarayapuram Taluk, Karur District for manufacturing the following product specification.

- Blue Metal Jelly of various sizes - 70000 T/Month
- Blue Metal M-Sand & P-Sand -10000 T/Month

3. It is respectfully submitted that Previously a stone crushing unit namely M/s Techtrans Construction India Pvt Ltd was in the same location of S.F No. 19/1C,20/1B2 & 21/2, Sivayam North Village,Krishnarayapuram Taluk, Karur District and obtained consent of the Board vide Proc.No DEE/TNPCB/KRR/F.No.KAR0899/ W&A/2009, Dated. 17/06/2009 for following product specifications:

- Blue metal solings and chips of sizes (1½)", (¾)", (½)" & (¼)"
35000 T/Month

(For Four Lane Work from 139 KM to 192 KM on NH 67 including proposed Karur by pass).


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4. It is respectfully submitted that said consent order was renewed to the unit for the period up to 30.09.2012. Then the unit has not remitted the renewal consent fees and not obtained renewal of consent. Further it was ascertained that the unit has stopped the operation of the stone crusher unit. Now the said land was purchased by Thiru P. Mani director of M/s. Navamani Mines Pvt Ltd from Thiru. H. Ramesh the former Chairman & Director of M/s Techtrans Construction India Pvt Ltd.

5. It is respectfully submitted that the new management in the name of M/s Navamani Mines Pvt Ltd (Formerly M/s Techtrans Construction India Pvt Ltd.) has submitted application through online portal OCMMS on 02/04/2019 along with all the supporting documents for obtaining Consent to Establish for establishment of new stone crushing unit. Based on the application the site was inspected on 04/04/2019 and during inspection the following were noticed.

- i. The civil structure of the old stone crusher unit was found under damaged condition and the other area of the unit was kept vacant.
- ii. The site is surrounded by vacant lands in West, East and Northern direction and in the south side there is a village road.
- iii. There is no approved habitations, NH/SH within 500 m radius from the site. The Thasildar, Krishnarayapuram Taluk vide letter dated 01.04.2019 has also informed that there is no residential plots, approved layouts, schools, land acquired for SC/ST welfare schemes and National Highway/State Highway within 500 M radius from the site.


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iv. The following three existing stone crushing units are located within 1 KM Distance from the site of the unit of M/s Navamani Mines Pvt Ltd.

- M/s Vaigai Blue Metals, SF No.30/2,3,5,6, Sivayam North Village, Krishnarayapuram Taluk, Karur District is located at a distance of 610 m on the South eastern direction from the site.
- M/s Reena Crusher Unit, SF No.26, Sivayam North Village, Krishnarayapuram Taluk, Karur District is located at a distance of 470 m on the South eastern direction from the site.
- M/s Sri Rathinagiriswarar Blue Metals, SF No. 2/1, Sivayam North Village, Krishnarayapuram Taluk, Karur District is located at a distance of 840 m on the Northern direction from the site.

6. It is respectfully submitted that, the site of M/s. Navamani Mines Pvt Ltd (Formerly of M/s Techtrans Construction India Pvt Ltd) was considered as new site and the site is not complying the 1 Km siting criteria prescribed in B.P.Ms.No.4 dated.02.07.2004. Further the unit of M/s Techtrans Construction India Pvt Ltd has not renewed the consent after 30.09.2012 and also not remitted the consent fee.

7. It is respectfully submitted that the District Level Consent Clearance Committee in its meeting held on 10/04/2019 (DLCCC-ITEM NO 90-11) has decided to reject the CTE application in view of the following reason.

- The Unit of M/s Techtrans Construction India Pvt Ltd has not renewed the consent after 30/09/2012 and also not remitted the


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consent fee thereafter. The unit has also removed the machinery and the site is kept vacant except old civil structures.

- The CTE application filed by the unit of M/s Navamani Mines Pvt Ltd (Formerly Techtrans Construction India Pvt Ltd) could be considered as a new site application.
- Three stone crushing units namely M/s Vaigai Blue Metals, M/s Reena Crusher Unit, and M/s Rathinagiriswarar Blue Metals are located at a distance of 610m, 470m and 840m respectively from the site and the site is not complying with the distance criteria of 1KM norms between two stone crushing units as per B.P.No 4 dt 02/07/2004.

8. It is respectfully submitted that the refusal order was issued to the unit vide Proc.NO.F.0995KAR/OS/DEE/ TNPCB/14/ W&A/ 2019 dated: 10/04/2019.

9. It is respectfully submitted that the unit authority made an appeal before the Hon'ble Appellate Authority, Tamilnadu Pollution Control Board, Chennai vide application No.23& 24 of 2019.

10. It is respectfully submitted that the Tamilnadu Pollution control Board vide BP Ms No.21 Dated.31.07.2019 has relaxed the 1 KM distance criteria between stone crushers. Then M/s Navamani Mines Pvt Ltd has submitted a new application on 10/08/2019 based on BP MS No.21 Dated.31.07.2019. Based on the above CTE was issued to the


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unit vide CTE Pro No.F.0995KAR/OS/DEE/TNPCB/KAR/A/2019 DATED:
21.08.2019.

11. It is respectfully submitted that based on the request of the unit the Hon'ble Appellate Authority vide its order dt 27/08/2019 has dismissed the units appeal 23& 24.

12. It is respectfully submitted that in WP No.26789 of 2019 the Hon'ble High court of Madras has granted interim stay on 06.09.2019 for operation of the impugned order in BP Ms No.21 Dated.31.07.2019.

13. It is respectfully submitted that the unit of M/s Navamani Mines has completed the installation of all machineries with air pollution control measures for stone crusher and M sand and applied for consent in online vide OCMMS application no.31860164 Dated:06.03.2020 and resubmitted on 05/01/2021 for CTO after CTE. The DLCCC in its meeting held on 07/01/2021 vide item No 120-01 has decided to refuse the Units application for CTO after CTE and the refusal order was issued to the unit vide Proc No F.0995/KAR/OS/DEE/TNPCB/14/W&A/2021 dt 07/01/2021 for the following reasons.

- The three stone crushing units namely M/s Vaigai Blue Metals, M/s. Reena Crusher Unit, and M/s. Rathinagiriswarar Blue Metals are located at a distance of 610m, 470m and 840 m respectively from the unit and the unit location is not complying the distance criteria of 1KM norms between two stone crushing units as per B.P.No 4 dt 02/07/2004.


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- CTE was issued to the unit based on 1KM distance criteria relaxation given in B.P. Ms. No.21 Dated: 31.07.2019. The Hon'ble High court of Madras has granted interim stay for operation of the impugned order in BP MS No.21 Dated.31.07.2019 in its order Dated: 06.09.2019 in W.P.No.26786 of 2019 and in W.MP.No.26172 and 26175 of 2019.
- The Hon'ble High court of Madras in its order dt 18/08/2020 in W.M.P.Nos.26175 &29648 of 2019 and in W.P.No.26786 of 2019 has made the following clarification in Para 5 for the interim stay granted to BP MS No.21 Dated.31.07.2019 as follows.

“We are inclined to pass a clarificatory order making it clear that such of those units which were in operation with valid consent both for establishing and for crushing operation in currency and already in operation, the interim order passed will have no application. This is also for the reason that they being in operation already by indulging in crushing cannot be prevented by the interim order without even making them as parties.”

- TNPCB vide Memo No TNPCB/LAW/LAII/TNPCB/21614/2020 DT 05/12/2020 has communicated to DEE/TNPCB/Karur, legal opinion of Boards Standing Counsel on the orders of Hon'ble Appellate Authority dt 27/08/2019 in the Appeals No 23 & 24 of 2019 and order dt 17/06/2020 in Appeals No 24 & 25 of 2020 and order dt 06/11/2020 of Hon'ble High Court of Madras in WP No 15551 of

R. Rajan
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2020 and it was opined that it is better to defer the proposal to give CTO to the unit based on the CTE dt 21/08/2019 till the interim orders dt 06/09/2020 and 18/08/2020 made in WPN No 26786 of 2019 are vacated or modified suitably.

14. It is respectfully submitted that the unit of M/s. Navamani Mines has made appeal in Hon'ble appellate Authority vide Appeal No 1 and 2 challenging the refusal order of the Board issued vide Proc No F.0995/KAR/OS/DEE/TNPCB/14/W&A/2021 dt 07/01/2021.

15. It is respectfully submitted that The Honourable Appellate Authority in order dt 18/08/2021 in the above appeals Para 20 has made the following.

- *Para 20: In the result the appeals are allowed by setting the impugned rejection order dt 07/01/2021 in Proc F.0995/KAR/OS/DEE/TNPCB/14/W&A/2021 issued by the 2nd respondent representing 1st respondent –Board with further direction issued to the respondents 1 & 2 to consider granting CTO to the appellant unit. No order as to costs.*

16. It is respectfully submitted that the appellant unit of M/s Sri Rathinagiriswarar Blue Metals is located at S.F. No. 2/1, Sivayam North Village, Krishnarayapuram Taluk, Karur District. The unit has submitted application for CTE of the Board for establishing a stone crushing unit at S.F. No. 2/1, Sivayam North Village, Krishnarayapuram Taluk, Karur District. on 23.08.2012. Along with the application the unit has submitted


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distance certificate dated 06.08.2012 obtained from Tasildhar, Krishnarayapuram Taluk and BDO (Block Development Officer) Krishnarayapuram Panchayat Union stating that no approved habitation and NH/SH is located within 500m distance from the stone crusher site and no stone crushing unit is located within one kilometre distance. The site was inspected by Tamil Nadu Pollution Control Board officials on 24.08.2012 and it was reported that the proposed site comply with siting criteria prescribed in BP.No 4 dt 02/07/2004 and CTE was issued to the unit vide Proc. No. DEE/TNPCB/KAR/F.1125/OS/W/2012, Dated: 31.08.2012 under Water Act and vide Proc. No. DEE/TNPCB/KAR/F.1125/OS/A/2012, Dated: 31.08.2012 under Air Act. After Establishment of the stone crusher, the unit has applied for CTO of the Board on 23.07.2014 and CTO was issued to the unit vide Proc. No. F.KAR1125/RS/DEE/TNPCB/KAR/W/2014, Dated: 09.12.2014 under Water Act and vide Proc. No. F.KAR1125/RS/DEE/TNPCB/KAR/A/2014, Dated: 09.12.2014 under Air Act for manufacturing the following product.

- Blue metal jelly of various sizes – 3400 T/M

17. It is respectfully submitted that the above said consent orders were renewed to the unit of M/s. Sri Rathinagiriswarar Blue Metals for the period ending upto 31.03.2024.

18. It is respectfully submitted that in the meantime the unit of M/s Sri Rathinagiriswarar Blue Metals has challenged the CTE issued to the unit of M/s Navamani Mines Pvt Ltd vide Appeal No 24 &25 /2020 in Hon'ble Appellate Authority and the Authority vide its order dt 17/06/2020 has


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dismissed the appeals with liberty given to the parties to pursue their remedy before the respondent Board.

19. It is respectfully submitted that presently the unit of M/s. Sri Rathinagiriswarar Blue Metals is under operation and the unit has applied for CTE-Expansion.

20. It is respectfully submitted that the unit of M/s Sri Rathinagiriswarar Blue Metals, 2/1 Sivayam North Village, Krishnarayapuram Taluk, Karur District has filed appeal no 64 and 65 before this Tribunal against the order of Honorable Appellate Authority dt 18/08/2021. The Honourable Tribunal has stayed the Appellate Authority order vide its order dt 20/09/2021

21. It is respectfully submitted that the Hon'ble High Court of Madras, has passed order dated: 20.09.2021 in W.P No. 26786 of 2019 & 19643 of 2021 interalia that, to decide on further course of action based on the reports pertaining to the study conducted by NEERI.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such order as it may deem fit and proper in this case and thus render justice.


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BEFORE ME

VERIFICATION

I, R.Rajamanickam, S/o. P.M.Ramasamy working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.

R. Rajamanickam 22/10/2024
JOINT CHIEF ENVIRONMENTAL ENGINEER
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No.76, MOUNT SALAI, CHENNAI-600 032.

**BEFORE THE HON'BLE NATIONAL
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Vs

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Trichy Road,
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...Respondents

**REPORT FILED ON BEHALF OF THE 2ND &
3RD RESPONDENTS - TAMIL NADU
POLLUTION CONTROL BOARD**

Advocate for Respondent: TNPCB

Dated: 22.10.2021.

Date of hearing: 25.10.2021

