

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)

CHENNAI

I.A. No. 78 of 2022

in

Original Application No. 213 of 2021 (SZ)

S. Sakthivel

... Petitioner

Vs.

The Secretary to Government of India,

Ministry of Environment and Forest and Climate Change

And 5 others

... Respondent

**REPLY FILED ON BHALF OF THE SIXTH RESPONDENT TO THE
APPLICATION FOR IMPLEADING DALMIA CEMENT (BHARAT) LTD.
AS SEVENTH RESPONDENT**

S.No	Date	Description	Annexure s	Page No.
1.	25.04.2022	Reply filed on behalf of the 6 th Respondent to the application for impleading Dalmia Cement (Bharat) Ltd. as 7 th Respondent		1-3
2	07.09.2010	Certificate of Incorporation issued by the Registrar of Companies	A	4
3	25.04.2022	Proof of Service	-	5

Dated at Chennai on this the 25th April, 2022.

FILED BY



M/s. S.Raghunathan

T.Poornam

Sharanya Vaidhyanathan

V.S. Rishwanth

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)

CHENNAI
I. A. No. 78 of 2022 in
Original Application No. 213 of 2021 (SZ)

S. Sakthivel
Environmental Protection and Anti-Pollution Group
S/o P.K. Subramanyam
Alagu Vinayakar Kovil Street,
Fairland, Salem 636016

...Applicant

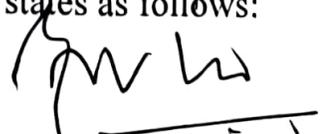
Vs

1. The Secretary to Government of India
Ministry of Environment and Forest and Climate Change
Indira Paryavaran Bhawan Jorbagh Road,
New Delhi 110003
2. The Director,
Department of Geology and Mines,
Industrial Estate, Guindy, Chennai 600032
3. The District Collector,
Collectorate, Salem 636 001
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Siva Tower, 2nd Floor, Salem 636004
5. The Member Secretary,
Central Ground Water Authority
Jam Nagar House,
18/11 Man Singh Road, New Delhi 110011
6. The Managing Director,
Dalmia Bharat Sugar and Industries Ltd.
Chettichavadi, Jagir Magnesite and Dunite Mines,
Chettichavadi Village, Salem West Tk.
Salem 636 012

...Respondents

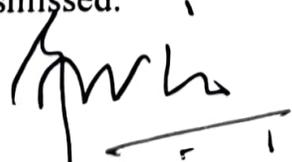
**REPLY FILED ON BEHALF OF THE SIXTH RESPONDENT TO THE
APPLICATION FOR IMPEADING DALMIA CEMENT (BHARAT) LTD.
AS SEVENTH RESPONDENT**

The 6th Respondent (**Answering Respondent**) above named states as follows:



P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
DALMIA MAGNESITE CORPORATION

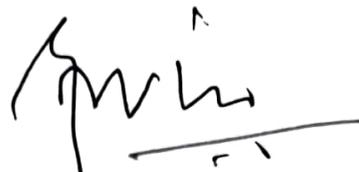
- 1 The Answering Respondent has filed a detailed reply dated 01.02.2022 to the Application where it has set out in detail the complete factual background and details as to the mining operations. The Answering Respondent had also filed replies to the individual reports of each member of the Joint Committee including Joint Committee Report dated 21st March 2022. The contents of the said replies filed by Answering Respondent, may be read as part and parcel of the present reply to the aforesaid application.
- 2 The present application seeking filed by the Petitioner seeking to implead Dalmia Cement (Bharat). Ltd as seventh Respondent is wholly frivolous and the averments contained in the said Application is without any basis.
- 3 The Answering Respondent i.e. Dalmia Bharat Sugar & Industries Ltd was earlier known as Dalmia Cement (Bharat) Ltd. The Dalmia Cement (Bharat) Ltd. incorporated under the Companies Act 1913, which is now known as Dalmia Bharat Sugar & Industries Ltd since 7th September 2010 is engaged amongst others in mining operations in question here from the period 1966 onwards. A certificate of incorporation issued by Registrar of Companies pursuant to the said change of name is enclosed herewith and marked as Annexure A. The said change of name had also been taken on record by the Authorities concerned of the Government of Tamil Nadu , which had in also been noted and mentioned by the Applicant in paragraph 3 (11) of application under reply.
- 4 The mining operations in question here had always been with one and same entity that is Dalmia Cement (Bharat). Ltd. known as Dalmia Bharat Sugar & Industries Ltd since 7th September 2010.
- 5 In view of the foregoing facts the averments made in paragraph 5 to 9 of the Application , being based on the wrong premise, are irrelevant and hence the present application deserves to be dismissed.


F. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
1/0. DALMIA MAGNESITE CORPORATION,
SALEM-636 012.

3

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the present Application and Original Application No.213 of 2021 (SZ),with costs and pass such further or other appropriate orders as may be deemed fit and proper in the facts and circumstances of the case and thereby render justice.

Dated at Chennai on this the 25th day of April ,2022



**P. G. KALIDASS,
AGENT & MINES MANAGER,
CHETTICHAVADI JAGHIR MINES,
DALMIA BHARAT SUGAR AND INDUSTRIES LTD.,
(C/o. DALMIA MAGNESITE CORPORATION)
SALEM-636 012.**

भारत सरकार-कॉर्पोरेट कार्य मंत्रालय
कम्पनी रजिस्ट्रार कार्यालय, तमिलनाडु, चैन्नई, अंदमान और निकोबार द्वीप

नाम परिवर्तन के पश्चात नया निगमन प्रमाण-पत्र

कॉर्पोरेट पहचान संख्या : L26942TN1951PLC000640

मैसर्स DALMIA CEMENT (BHARAT) LIMITED

के मामले में, मैं एतद्वारा सत्यापित करता हूँ कि मैसर्स
DALMIA CEMENT (BHARAT) LIMITED

जो मूल रूप में दिनांक एक नवम्बर उन्नीस सौ इक्यावन को कम्पनी अधिनियम 1956 की धारा 3 के अंतर्गत एक विद्यमान कम्पनी है और
DALMIA CEMENT (BHARAT) LIMITED

के रूप में निगमित की गई थी, ने कम्पनी अधिनियम, 1956 की धारा 21 की शर्तों के अनुसार विधिवत आवश्यक विनिश्चय पारित करके तथा
लिखित रूप में यह सूचित करके की उसे भारत का अ (गेद), कम्पनी 24.6.1985 956 की धारा A93055838 तैत, भारत सरकार, कम्पनी कार्य
विभाग, नई दिल्ली की अधिसूचना सं. सा. का. नि 507 अ दिनांक एस.आर.एन. दिनांक 07/09/2010 के द्वारा
DALMIA BHARAT SUGAR AND INDUSTRIES LIMITED

हो गया है और यह प्रमाण-पत्र, कथित अधिनियम की धारा 23(1) के अनुसरण में जारी किया जाता है।

यह प्रमाण-पत्र, मेरे हस्ताक्षर द्वारा चैन्नई में आज दिनांक सात सितम्बर दो हजार दस को जारी किया जाता है।

GOVERNMENT OF INDIA - MINISTRY OF CORPORATE AFFAIRS
Registrar of Companies, Tamil Nadu, Chennai, Andaman and Nicobar Islands

Fresh Certificate of Incorporation Consequent upon Change of Name

Corporate Identity Number : L26942TN1951PLC000640

In the matter of M/s DALMIA CEMENT (BHARAT) LIMITED

I hereby certify that DALMIA CEMENT (BHARAT) LIMITED which was originally incorporated on First day of November Nineteen Hundred Fifty One being an existing company as per Section 3 of the Companies Act, 1956 as DALMIA CEMENT (BHARAT) LIMITED having duly passed the necessary resolution in terms of Section 21 of the Companies Act, 1956 and the approval of the Central Government signified in writing having been accorded thereto under Section 21 of the Companies Act, 1956, read with Government of India, Department of Company Affairs, New Delhi, Notification No. G.S.R 507 (E) dated 24/06/1985 vide SRN A93055838 dated 07/09/2010 the name of the said company is this day changed to DALMIA BHARAT SUGAR AND INDUSTRIES LIMITED and this Certificate is issued pursuant to Section 23(1) of the said Act.

Given under my hand at Chennai this Seventh day of September Two Thousand Ten .



(C RUPACHANDAR)

सहायक कम्पनी रजिस्ट्रार / Assistant Registrar of Companies
तमिलनाडु, चैन्नई, अंदमान और निकोबार द्वीप
Tamil Nadu, Chennai, Andaman and Nicobar Islands

कम्पनी रजिस्ट्रार के कार्यालय अभिलेख में उपलब्ध पत्राचार का पता :

Mailing Address as per record available in Registrar of Companies office:

DALMIA BHARAT SUGAR AND INDUSTRIES LIMITED

DALMIAPURAM, TIRUCHIRAPALLI DIST.

TIRUCHIRAPALLI - 621651,

Tamil Nadu, INDIA



Nataraj Rao Raghu & Sundaram <nrrandschennai@gmail.com>

O.A. No. 213 of 2021 - S.Sakthivel Vs. Secretary, MoEF and 5 others - National Green Tribunal, Chennai

Nataraj Rao Raghu & Sundaram Advocates <nrrandschennai@gmail.com>

Mon, Apr 25, 2022 at 10:35 AM

To: vivek.adv.tharai@gmail.com, secy-moef@nic.in, cgmchennai32@gmail.com, geomine@nic.in, collrslm@nic.in, deetnpcbslm@gmail.com, cgwa@nic.in, Ardhendumauli Prasad <mail@ardhendumauli.com>

Cc: POORNAM THANGAPERUMAL <poornamt@yahoo.com>, rishwanth@nrrslaw.com

Sirs/Madam,

We act for the 6th Respondent in the Subject O.A.

Please find attached, a scanned copy of the Reply filed on behalf of the 6th Respondent to the application for impleading Dalmia Cement (Bharat) Ltd.

Kindly Acknowledge Receipt.

Yours faithfully

T.Poornam

Counsel for the 6th Respondent

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 **REPLY OF R6 IN IA NO 78 OF 2022.pdf**

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