

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI,**

**ORIGINAL APPLICATION No. 91 of 2022**

**In the matter of:**

**V. ARUL**

President,  
Siruthavur Village Panchayat,  
No.315, Big Street,  
Siruthavur, Tiruporur Talk,  
Chengalpattu District.

..... Applicant

/Verses/

**1. The Government of India,  
Ministry of Environment,  
Forests & Climate Change,  
Rep. by its Secretary,  
Indira Paryavaran Bhavan,  
Jor Bag Road, Aliganj,  
New Delhi – 110 003.**

**2. State Environment Impact Assessment Authority – Tamilnadu  
Third Floor, Panagal Maaligai,  
No.1, Jeenis Road, Saidapet,  
Chennai – 600 015.**

..... Respondent(s)

**COUNTER AFFIDAVIT FILED BY THE SECOND RESPONDENT ON  
BEHALF OF SEIAA, TAMIL NADU**

I, Deepak S. Bilgi, I.F.S., S/o Mr. Siddappa, aged about 43 years, working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Building, Saidapet, Chennai - 600 015, solemnly affirm and sincerely state as follows:

1. I am filing this counter affidavit on behalf of the Second 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.

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

2. At the outset, I deny the averments and allegations stated in this original application except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. I respectfully submit that at the outset, the averments stated in the Application are specifically admitted hereunder and the applicant is put to strict scrutiny.
4. It is respectfully submitted that; under the EIA Notification, 2006 vide S.O. 1224 (E) dated 28.03.2020

**Exemption of certain cases from requirement of Environmental Clearance: -**

The following cases shall not require prior Environmental Clearance namely: -

- I. Extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
- II. Extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles.
- III. Removal of sand deposits on agricultural field after flood by farmers.
- IV. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
- V. Community works, like, de-silting of village ponds or tanks, construction of village roads, ponds or bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes and community efforts.
- VI. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.
- VII. Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management
- VIII. Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/S-CHH, dated the 14th February, 1990 of the Government of Gujarat
- IX. Manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community.
- X. Digging of wells for irrigation or drinking water purpose

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**Member Secretary**  
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN  
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- XI. Digging of foundation for buildings, not requiring prior environmental clearance, as the case may be.
- XII. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc., to deal with any disaster or flood like situation upon orders of the District Collector or District Magistrate or any other Competent Authority.
- XIII. Activities declared by the State Government under legislations or rules as non-mining activity."

It is therefore humbly prayed that this Hon'ble National Green Tribunal Court, South Zone, may be pleased to record the above-mentioned facts and pass appropriate orders as this Hon'ble NGT(SZ) may deem fit and proper in this case and thus render justice.

Solemnly affirmed at Chennai  
On this 10<sup>th</sup> day of February 2023  
& Signed his name in my presence

  
**SECOND RESPONDENT**

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

  
**BEFORE ME**  
Attested Officer

**Assistant Environmental Engineer**  
State Level Environment Impact Assessment Authority-Tamilnadu  
Third Floor, Panagal Maligai  
Saidapet, Chennai - 600 015