

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Appeal No. 27 of 2024 (SZ)

In the matter of:

Dr. Sushmitha,

Chennai

... Applicant(s)

Versus

State Level Environmental Impact Assessment Authority,

Chennai and others

... Respondent(s)

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Counsel for 3rd Respondent

Date: 20.10.2024

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

Appeal No. 27 of 2024(SZ)

In the matter of:

Dr. Sushmitha
No. C-302,
Radiance Mandarin Apartment,
Thoraipakkam,
Chennai – 600 096

...Appellant

-Vs-

1. State Level Environment Impact Assessment Authority,
Rep. by its Member Secretary,
Panagal Maligai,
Saidapet, Chennai – 600 015
 2. State Level Expert Appraisal Committee (SEAC),
Rep. by its Chairman,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015
 3. M/s. Navamani Mines Private Limited,
Rep. by its Director Palaniyandi Vimalathithan,
Door No.5/898, Azhagu Nagar,
Trichy Road, Namakkal – 637 007
- ... Respondent(s)

REPLY FILED BY THE 3rd RESPONDENT
M/s. NAVAMANI MINES PRIVATE LIMITED

I, Palaniyandi Vimalathithan, Director in M/s. Navamani Mines Private Limited, having address at Door No.5/898, Azhagu Nagar, Trichy Road, Namakkal – 637 007, do hereby solemnly affirm state as follows:

For NAVAMANI MINES (P) LTD.,


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1. I state that I am one of the Director of the 3rd Respondent company herein such I am well acquainted with the facts of the case from the records and I am authorised to file the reply statement on behalf of the 3rd Respondent herein.
2. I submit that I read and understood the contents of the memorandum of appeal filed by the appellant, Dr. Sushmitha, before this Hon'ble Tribunal and I deny the allegations made by the appellant *in toto* and state that the appeal filed by the appellant is devoid of merit and is based on incorrect facts and legal contentions.
3. It is submitted that the application is not maintainable in all and devoid of merits on both factual and legal aspects. I state that the Appellant has no locus standi to file the above Appeal and as such that the appellant has filed this appeal not out of genuine concern for environmental protection but due to personal vendetta and partnership dispute with Mr. Palaniyandi, who is the father of Mr. Vimalathithan, one of the directors of the 3rd Respondent company which is a clear case of abuse of process of law. The appellant is not an aggrieved party and does not have any interest in protecting the environment.
4. It is submitted that the Applicant has approached this Hon'ble Tribunal with unclean hands knowingly suppressing the vital material facts and misleading this Hon'ble Tribunal and the same is also an abuse of process of law.
5. It is submitted that the Appellant herein has filed this appeal pertaining to set aside the Environmental Clearance in Lr.No. SEIAA-TN/F.No.6993/1(a) EC. No:6205/2023 dated 12.12.2023 and uploaded on 05.01.2024, which was granted to the 3rd Respondent M/s. Navamani Mines Private Limited, by the SEIAA herein as the 1st Respondent, based on the recommendations of the SEAC herein as the 2nd Respondent.

For NAVAMANI MINES (P) LTD.,



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6. It is submitted that the 3rd Respondent is a private limited company registered under the Companies Act which involved in the business of mining of rough stone and crushing of raw stone. The 3rd Respondent company had applied for Terms of Reference (TOR) for the proposed rough stone and gravel quarry over the land measuring an extent of 2.80.5 Ha, comprised in SF No. 15/1 & 15/2 of Sivayam North Village, Krishnarayapuram Taluk, Karur District, under B1 category since the subject units is located in a cluster, vide Online Proposal No. SIA/TN/MIN/38701/2019 dated 05.07.2019 and Offline Application No: 6993 dated 01.08.2019, and the TOR was issued along with Public Hearing, by the 1st Respondent based on the recommendations of SEAC in its 166th SEAC on 30.07.2020 and acceptance of SEIAA in its 397th Meeting on 21.09.2020, vide TOR in Lr No. SEIAA-TN/F.No.6993/SEAC/ToR-761/2020 dated 24.09.2020.
7. It is submitted that, subsequently the public hearing was conducted on 21.06.2023, and some objections for the subject quarry were raised by the local/social activist, which was also recorded by the Tamil Nadu Pollution Control Board vide Minutes of public hearing dated 21.06.2023. In reply for the same, the 3rd Respondent had filed its Final Environmental Impact Assessment and Environmental Management Plan as per ToR Lr. No. SEIAA-TN.6993/SEAC/ToR-761/2020 dated 24.09.2020 along with a report of public concerns and project proponent's response and commitments for obtaining Environmental Clearance under EIA Notification - 2006.
8. It is further submitted that thereafter, the 3rd Respondent had applied for grant of Environmental Clearance for the aforesaid quarry, along with other connected documents including the Affidavit in Non-Judicial Stamp Paper, vide Online Proposal No. SIA/TN/MIN/439433/2023, dated 06.08.2023. The 2nd Respondent in its 410th SEAC Meeting held on 22.09.2023 decided to recommend the above proposal of the 3rd Respondent for the grant of Environmental Clearance with various conditions. The Appellant came to

For NAVAMANI MINES (P) LTD.,


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- know about the proposal, immediately, sent a representation to the 1st Respondent vide Letter dated 12.10.2023. Considering the same, the 1st Respondent in its 662nd SEIAA Meeting held on 16.10.2023 decided to refer back the said proposal to the 2nd Respondent.
9. It is further submitted that the above proposal was placed once again before the 2nd Respondent in its 423rd SEAC Meeting held on 15.11.2023 and sought for the above clarification to the Project Proponent i.e., the 3rd Respondent herein and after considering the submissions of 3rd respondent, SEAC decided to reiterate its recommendation already made in its 410th SEAC meeting held on 22.09.2023 to grant Environmental Clearance. Subsequent to the above recommendations of the 2nd Respondent and above decisions of the 1st Respondent, the Member Secretary of the 1st Respondent in its Proceedings in Lr. No. SEIAA- TN/F.No.6993/1(a)/EC.No.6205/2023, dated 12.12.2023, granted Environmental Clearance to the 3rd Respondent, which is impugned in the present Appeal. All these facts have been confirmed by the 2nd Respondent in the Affidavit filed in response to this Appeal.
10. It is submitted that, the Appellant has already filed an Original Application before this Hon'ble Tribunal in O.A. No. 148 of 2022(SZ) alleging illegal/rampant mining and crushing units of the Sri Rathnagiriswarar Blue Metals and others along with this 3rd Respondent, which was reserved for orders by this Hon'ble Tribunal on 14.05.2024 after hearing all parties concerned. The present appeal is not connected to the original application filed by Appellant in OA No. 148 of 2022 (SZ). The original application primarily deals with Sri Rathnagiriswarar Blue Metals, owned by Mr. Palaniyandi, and others along with the 3rd Respondent herein at SF No. 8/10 & 8/2B, Sivamayam village, Karur district. The subject matter of this appeal pertains to a rough stone and gravel quarry over the land measuring an extent of 2.80.5 Ha, comprised in SF No.15/1 & 15/2 of Sivayam North Village, Krishnarayanapuram Taluk, Karur District, which is distinct from the subject

For NAVAMANI MINES (P) LTD.,



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matter of OA No. 148 of 2022 (SZ). However, it is the case of the Appellant that the pendency of OA No. 148 of 2022(SZ) was suppressed by this Respondent before the 2nd Respondent while processing the impugned Environmental Clearance. This objection was raised by the Appellant before the authorities.

11. It is pertinent to mention that the Appellant was given due opportunity to present her objections before the authorities. The representation made by the Appellant Dr. Sushmitha vide Letter dated 12.10.2023 was duly considered by the concerned authorities, and subsequent meetings were held to address any concerns raised. The decision to grant Environmental Clearance was taken after thorough examination of all relevant facts and in accordance with the applicable laws and regulations. In the Affidavit filed by the 2nd Respondent, in page 8 has categorically stated that *"Further the 2nd Respondent have observed that (i) No quarries in the name of M/s. Navamani Mines Private Limited are operating in this location and the case filed against the crushing unit is not related to this project"*. Therefore, the entire case of the Appellant is that this Respondent has suppressed any pending proceedings against it is wholly baseless.
12. It is submitted that with regard to the ground raised by the Appellant regarding the proximity of the proposed quarry site at a distance of less than 200m from an approved layout is misleading. The layout referred to by the Appellant is currently subject to a stay order issued by the Hon'ble Madurai Bench of Madras High Court vide interim order in WP (MD) No. 23159 of 2023 and WMP (MD) No. 19362 of 2023. The stay is granted on the basis that such a layout is an unauthorised lay out without obtaining necessary permits from the mining department under TN Minor Mineral Concession Rules, 1959, Section (1A) (c). Therefore, the contention that the quarry site violates Rule 36 (1) (C) of the Tamil Nadu Minor Mineral Concession Rules, 1959 is erroneous and

For NAVAMANI MINES (P) LTD.,


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lacks merit. The extract of the said interim order is extracted hereunder for the convenience of this Hon'ble Tribunal,


4. *In the event, if there is any quarry operations any layout or a building plan approval has to be obtained after obtaining permission from the concerned director of Geology and Mining as per Rule 36(1) (C) of the Tamil Nadu Minor Mineral Concession Rules, 1959 and the same is extracted as under:*

36. *General restrictions in respect of quarrying operations:*

(1) The quarrying permit holder or the lessee or their men shall not work or carry on or allow to be worked or carried on any mining operations at or to any point within a distance of 50 metres from any railway line except with the previous written permission of the Railway administration concerned or under or beneath any ropeway or any ropeway trestle or station except under and in accordance with the written permission of the authority owning the ropeway or from any reservoir, canal or other public works such as public roads and buildings except with the previous written permission of the collector of the district or any other officer authorised by the State Government in this behalf and otherwise than in accordance with such instruction, restrictions and conditions, either general or special, which may be attached to such permission. The said distance of 50 metres shall be measured in the case of railway, reservoir or canal horizontally from the plinth thereof. In the case of village roads, no working shall be carried out within a distance of 10 metres and except with previous permission of the Collector of the District or any other officer duly authorised by the State Government in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or special, which may be attached to such permission.

(c) No new layout, building plans failing within 300 metres from any quarry should be given approval by any agency unless prior clearance of the Director

For NAVAMANI MINES (P) LTD.,


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of Geology and Mining is obtained. On receipt of proposals for according clearance, the Director of Geology and Mining shall decide upon the continuance or closure, as the case may be of any quarry which is situated within 300 meters from the new layout, building sought for such "clearance".

5. Considering the facts and circumstances of this case, there shall be an order of interim stay for a period of two weeks.

6. Notice to the fifth respondent returnable in two weeks. Private Notice is also permitted. Post the matter after two weeks."

13. It is submitted that, it is clearly stated in para 7, of the SEIAA – Tamil Nadu's counter affidavit,

"Further the 2nd Respondent have observed that (i) no other quarries in the name of M/s. Navamani Mines Private Limited are operating in this location and the case filed against the crushing unit is not related to this project site;

(ii) certain provisions of MMDR (Mines and Mineral Development and Regulation) Act, 1957 related to this case states that

"...21. (4) Whenever any person raises, transports or causes to be raised or transported, without any lawful authority, any mineral from any land, and, for that purpose, uses any tool, equipment, vehicle or any other thing shall be liable to be seized by an officer or authority specifically empowered in this behalf..."

"...22. Cognizance of offences. – No court shall take cognizance of any offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Central Government or the State Government..."

Further it is clear that as per the provision of 23 (C) of MMDR Act, 1957, the State Government is empowered to make ruled for preventing

For NAVAMANI MINES (P) LTD.,



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illegal mining, and transportation & storage of illegal minerals. All such mining which qualifies under illegal shall be dealt within the provisions of MMDR Act by the concern authorities.

Based on the presentation and the documents furnished by the 3rd Respondent and the above observations, SEAC decided to reiterate its recommendation already made in 410th SEAC meeting held on 22.09.2023. All other conditions mentioned in the minutes will remain unchanged and unaltered.

14. In para 12, of the counter affidavit filed by the SEIAA – Tamil Nadu,
“That the distance between the existing Thiru. D. Rathinam Quarry to the approved layout is 290m and distance between the M/s. Navamani Quarry to approved layout is 200m. As per Tamil Nadu Concession Rules, 1959 in its Section V, Miscellaneous, it is stated that (1-A) (c) No new layout, building plans falling within 300 metres from any quarry should be given approval by any agency unless prior clearance of the Director o Geology and Mining is obtained. On receipt of proposals for according clearance, the Director of Geology and Mining shall decide upon the continuance or closure, as the case may be of any quarry which is situated within 300 metres from the now layout, building sought for such ‘clearance.’”.

In view of the above, it is noted that copy of the approval obtained from the concerned Director of Mines prior to the approval of layout was not furnished in the affidavit.”

15. It is further submitted that, in para 13 of the counter filed by the R1 & R2,
“Based on the above, the Environmental Clearance letter was sent to the 3rd Respondent vide Lr. No. SEIAA-TN/F.No.6993/1(a)/EC.6205/2023 dated 12.12.2023. Hence, this file is closed and recorder”.

For NAVAMANI MINES (P) LTD.,


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16. It is humbly submitted that the allegations of illegal blasting and environmental degradation caused by the operations of 3rd Respondent M/s. Navamani Mines Private Limited are wholly unfounded and speculative. The company has always prioritized environmental conservation and sustainable mining practices.
17. It is further submitted that the Appellant's claims regarding political influence and malafide intentions on the part of the 3rd Respondent is utterly false and defamatory. The 3rd Respondent company operates with integrity and transparency, adhering to all legal and ethical standards. In addition to that the allegations made by the Appellant are motivated by personal vendetta and are intended to harass and malign the reputation of 3rd Respondent company.
18. It is submitted that the 3rd respondent company has complied with all the legal requirements and has obtained necessary approvals for the proposed quarrying project. The grant of environmental clearance was done in accordance with law and after due consideration of all relevant factors. The Appellant, with an ulterior motive to ventilate its private grouse against the persons in management of M/s. Rathinagirishwarar Blue Metals, a sister concern, of this Respondent has filed this vexations Appeal without establishing any locus standi or legally tenable grounds.
19. I submit that the allegations made by the appellant are baseless and without any merit. The 3rd respondent company is committed to environmental protection and sustainable mining practices and undertakes to comply with the directions and conditions of the Impugned Environmental Clearance scrupulously.
20. I further submit that the aforesaid allegations submitted by the Application are false and baseless. The Applicant with an ill intention to stall the operation of

For NAVAMANI MINES (P) LTD.,

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business, has filed the present Application with vexatious allegations and the same is an abuse of process of law.


21. I humbly submit that let this Hon'ble Tribunal may consider the abovesaid counter affidavit, and it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above appeal with exemplary cost and grant such other relief as deemed fit and proper in the interest of justice and thereby render justice.

For NAVAMANI MINES (P) LTD.


Authorized Signatory

M/s. Navamani Mines Private Limited

Date: 20.10.2024


Counsel for 3rd Respondent

VERIFICATION

I, Palaniyandi Vimalathithan, Director in M/s. Navamani Mines Private Limited, having address at Door No.5/898, Azhagu Nagar, Trichy Road, Namakkal – 637 007, do hereby solemnly verify that the contents of paragraph no. 1 to 21 are true to the best of my knowledge and I have not suppressed any material fact.

For NAVAMANI MINES (P) LTD.


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M/s. Navamani Mines Private Limited

Date: 20.10.2024


Counsel for 3rd Respondent

BEFORE THE NATIONAL GREEN
TRIBUNAL,
SOUTHERN ZONE, CHENNAI

Appeal No. 27 of 2024(SZ)

In the matter of:

Dr. Sushmitha,
Chennai

...Appellant

-Vs-

1. State Level Environment Impact
Assessment Authority,
2. State Level Expert Appraisal
Committee (SEAC),
3. M/s. Navamani Mines Private
Limited, Namakkal

... Respondent (s)

**REPLY FILED BY M/s. NAVAMANI
MINES PRIVATE LIMITED
3rd RESPONDENT**

**COUNSEL FOR 3rd RESPONDENT
8072842587**