

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

Appeal No. 32 of 2024 (SZ)

Tvl. Vels Minerals LLP,
Rep. by its Designated Partner Mr.Kumaravadivelu
79, Ambakam, Konavaikal, K.R.Palayam,
Vasavi College Post, Erode – 638 316

... Appellant

Versus

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.

2. State Level Expert Appraisal Committee (SEAC),
Rep. by its Chairman,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet, Chennai – 600 015.

... Respondents

WRITTEN ARGUMENTS FILED ON BEHALF OF THE APPELLANT

The Appellant begs to submit as follows:

1. That the present Appeal is filed calling for the records pertaining to the Communication in Letter No. SEIAA-TN/F.No.10040/2023 dated 20.12.2023, issued by the 1st Respondent, and quash the same and consequently, direct the Respondents to grant Environmental Clearance to the Appellant to quarry Quartz and Feldspar over an extent of 2.07.5

Hectares of patta land comprised in S.F.No. 326/1, Vaigundam Village, Sankari Taluk, Salem District, in accordance with law and on merits, within a time stipulated by this Hon'ble Tribunal.

2. That the Memorandum of Appeal along with Documents/Annexures and additional documents, including the oral arguments made on 06.12.2024, may be treated as part and parcel of this Written Arguments.

3. That the Government of India in exercise of powers conferred under Section 3 (e) of the Mines and Minerals (Development and Regulations) Act, 1957, declared 31 minerals as minor minerals which includes feldspar and quartz, vide Notification S.O 423 (E) dated 10.02.2015. Pursuant to the above, the Government of Tamil Nadu in its G.O. (D) No. 60, Industries (MMC.1) Department, dated 12.06.2021. authorized the Additional Director of Geology and Mining, Headquarters to approve the mining plan.

4. That the State Government is the competent authority to grant quarry leases both in poramboke and patta lands as per Rule 8-A and Rule 19-A of Tamil Nadu Minor Mineral Concession Rules, 1959 respectively. In respect of Government lands, leases shall be granted as per Tender-cum-Auction and in patta lands leases can be granted duly on receipt of applications from the individuals.

5. That apart from the permissions/approvals under the MMDR Act and TNMMCR Rules, mining of minerals between 5 Ha to 50 Ha which is categorized as Category "B" Projects, have to obtain prior Environmental Clearance (EC) as per Schedule 1 (a) under the Environment Impact Assessment (EIA) Notification 2006. However, the

Hon'ble Supreme Court of India in Deepak Kumar Vs. State of Haryana reported in (2012) 4 SCC 629 directed the State Governments to take steps to frame necessary rules under section 15 of the Mines & Minerals (Development & Regulation) Act, 1957 and further directed that in the meantime, the leases of minor minerals including their renewal for an area less than 5 Ha be granted by States/ Union Territories only after getting clearance from the MoEF/SEIAA.

6. That the Appellant had proposed to quarry **Quartz and Feldspar** over an extent of 2.07.5 Hectares of patta land comprised in S.F.No. 326/1, Vaigundam Village, Sankari Taluk, Salem District, which is **OWNED** by the Appellant.

7. That in compliance of the statutory rules, the Appellant had applied for quarrying **QUARTZ AND FELDSPAR** in the above subject land and the said proposal was accepted based on the field inspection of the revenue department and the lease proposal was **RECOMMENDED** for a period of 10 years, under Rule 43 of the Tamil Nadu Minor Mineral Concession Rules, by the (i) District Collector, Salem and (ii) Director of Geology and Mining, Salem, to the Industries Department, Government of Tamil Nadu.

8. That pursuant to the above recommendations, the precise area communication letter was issued by the Industries Department of Government of Tamil Nadu vide Letter No. 7055/MMC.1/2021-1 dated 10.03.2022, whereby it was directed to request the Appellant to furnish the approved mining plan through the Director of Geology and Mining as per the Tamil Nadu Minor Mineral Concession Rules, 1959, within 3 months, and to produce Environmental Clearance Certificate from

competent authority, with the following conditions (**Annexure - A3; Page No.58**):

“2.....

- i) *A safety distance of 7.5 metres should be maintained for the adjoining patta lands.*
- ii) *A safety distance of 10 metres should be maintained for the cart track stipulated in S.F.No.329/2 on the western side of the applied area and pathai, situated in S.F.No.326/2.*
- iii) *A safety distance of 50 metres should be maintained to the **Mettukadu Village Natham** located in S.F.No. 329/1(P) on the north western side of the applied area.*

.....”

9. That in compliance with the above precise area communication, the mining plan was prepared by the Appellant as per the guidelines of the Commissioner of Geology and Mining and the same was approved by the Additional Director, Geology and Mining, under Rule 43 (8) of the Tamil Nadu Mines and Minerals Concession Rules 1959 read with G.O. (D). No. 60, Industries MMC1 Department dated 12.06.2021, vide Rc No. 212/MM7/2021, dated 30.05.2022 (**Annexure - A4; Page No.61**).

10. That based on the above direction of the Industries Department, Government of Tamil Nadu, the Appellant had filed an application in Form 1, Form 1M, along with other requisites for obtaining Prior Environmental Clearance for the above subject area under “B2” Category since the area is less than 5 Hectares under Environment Impact Assessment (EIA) Notification 2006, vide Online Proposal No: SIA/TN/MIN/278290/2022 dated 16.06.2022 & **File No.: 9335/2022 (Annexure - A6; Page No.67)**.

11. That the above proposal / file of the Appellant, was placed during the 308th SEAC Meeting held on 01.09.2022, and called for the below mentioned additional details (**Annexure - A8; Page No.102**):

- i) The proponent is requested to carry out a Survey and enumerate on the structures located within 50m, 100m, 150m, 200m, 250m, 300m from the boundary of the mine lease area.*
- ii) The proponent must conduct a survey and furnish the details regarding the population in the Mettukadu village which is located at a distance of 57m from the proposed mine lease area.*
- iii) The proponent is requested to submit the registered lease document.*

12. That the above suggestion of the 2nd Respondent was placed before the 1st Respondent in its 553rd SEIAA Meeting held on 21.09.2022, the 1st Respondent called for below mentioned additional details in addition to the details suggested above by the 2nd Respondent (**Annexure - A9; Page No.105**):

"1) It appear that there are too many habitations and vegetation near the proposed mine lease area. Further, the activity might impair the livelihood and the security of the people in the locality. Hence. the PP may explore the possibilities for alternative site."

13. That in compliance of the direction of the Respondents, the Appellant conducted survey as suggested and furnished the details along with Reply, to the Respondents, which was placed by the 2nd Respondent in its 327th SEAC Meeting held on 10.11.2022 held as follows (**Annexure - A10; Page No.108**):-

“From the presentation made and documents submitted by the PP. it has been observed that there are 49 dwellings, 13 farm houses and 2 temples situated within 300 meters from the boundary of the proposed quarry lease hold area violating the provisions of the Tamil Nadu Minor Mineral Concession Rules, 1959. Hence the SEAC after having the detailed discussions and in view of the information now made available, decided not to recommend the proposal for Environmental Clearance.”

14. That based on the recommendations without any opportunity to the Appellant, the 1st Respondent in routine and mechanical manner had accepted the above recommendations of the 2nd Respondent and decided to reject the above proposal of the Appellant in its 572nd SEIAA Meeting held on 26.11.2022. The relevant observation of the 1st Respondent is as follows (**Annexure – A11; Page No.112**):-

“In the view of the above, SEIAA accepts the decision of SEAC and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per the 327nd SEAC minutes.”

15. That it is unfortunate that till this date, no rejection order was communicated to the Appellant by the Respondents for the reasons best known to them, **which is violative of Rule 8 of the EIA Notification, 2006.**

16. That though the Respondents are not vested with or derive any power under the Tamil Nadu Minor Mineral Concession Rules, however, to obey the decision taken in their respective meetings, *the Appellant had modified and revised the Mining Plan once again* as to the suggestions made in the above meetings of the Respondents and **in compliance of the guidelines issued by the Central Pollution Control Board, which**

prescribes 100m safety distance if no blasting is involved and 150m if blasting is involved for stone quarry.

17. That the above modified mining plan was approved by the Additional Director, Commissionerate of Geology and Mining, Chennai, with various conditions, vide Proceedings in Rc.No. 212/MM7/2021, dated 13.04.2023. While granting the mining plan approval, it has been recorded as follows **(Annexure – A12; Page No.115):-**

“9).....

.....
In the general restriction in respect of quarrying operations, the rule 36(1-A) (a) of Tamil Nadu Minor Mineral Concession Rules, 1959 states that “No lease shall be granted for quarrying stone within 300 mts from any inhabited site”. This rule provision could not be taken for grant of quarry lease for Quartz and Felspar mineral. The rule provision had been misinterpretation by SEAC and decided not to recommend to issue Environmental Clearance in this case.

Since the SEAC not recommended the proposal for Environmental Clearance, the PP has submitted the modified mining plan and leaving safety distance of 100 mts for the habitation / temple through the Deputy Director (G&M), Salem. The Deputy Direction (G&M), Salem has recommended the modified mining plan and forwarded for approval. The safety distance has been provided in the modified mining plan is more than the conditions imposed in the Government Letter dated 10.03.2022. In the interest of mineral development, the modified mining plan shall be approved.

.....”

It is apparent from the above clarification of the Additional Director, Geology and Mining, that for feldspar and quartz quarry, there is siting criteria and distance of 300 m is not applicable, however, with a view to protect the environment 100m was prescribed.

18. That subsequent to the approval of modified mining plan, the Appellant had re-applied for Environmental Clearance as a fresh proposal along with revised documents, through online on 03.05.2023 vide **Online EC Proposal No: SIA/TN/MIN/427807/2023 dated 03.05.2023** and the said proposal was taken on file and numbered with a **New File No.: 10040 (Annexure - A13; Page No.121).**

19. That since there was an inordinate delay in considering the above fresh proposal of the Appellant bearing Online EC Proposal No: SIA/TN/MIN/427807/2023 dated 03.05.2023 and File No. 10040 of 2023, for the reasons best known to the Respondents, hence, the Appellant was constrained to file a Writ Petition before the Hon'ble Madras High Court in W.P. No. 22959 of 2023 on 28.07.2023, to consider the above proposal of the Appellant and grant clearance within a stipulated time.

20. That during the pendency of the above Writ Petition, to the sudden shock and surprise, the Appellant had received a Communication from the 1st Respondent, wherein it was stated that the Appellant's proposal will not be re-considered at SEIAA-TN, vide Letter No. SEIAA-TN/F.No.10040/2023 dated 01.08.2023, on 07.08.2023. The relevant portion is extracted hereunder:-

"Now, you have again applied seeking EC through new proposal vide reference 7th & 8th cited and you have requested to reconsider the said EC

application for grant of Environmental clearance based on the explanations stated therein and along with certain documents.

In view of the above, it is informed that the new proposal submitted vide reference 7th & 8th cited will not be re-considered at SEIAA-TN."

21. That the above impugned letter was issued by the Member Secretary in his individual capacity, without placing the Appellant's application in Online EC Proposal No: SIA/TN/MIN/427807/2023 dated 03.05.2023 and File No. 10040 of 2023, before the competent committee of the 1st Respondent or any discussion in this regard and erroneously stated that the proposal will not be considered by the 1st Respondent which shows the malafide intention and predetermination of his mind, hence an appeal has been filed before this Hon'ble Tribunal in Appeal No. 17 of 2023 (SZ), and the same was allowed vide Order dated 29.08.2023 (**Annexure - A19; Page No.182**) and directed as follows:

"6. Accordingly, the appeal is disposed of and the rejection order passed by the SEIAA - Tamil Nadu is hereby set aside and the matter is remitted to the SEIAA - Tamil Nadu for fresh consideration. We direct the SEIAA - Tamil Nadu to reconsider the appellant's application fresh without being influenced by any of the comments made in this order, within the statutory time prescribed."

22. That subsequently to the above order of this Hon'ble Tribunal, the Appellant has given a representation to the Respondents to consider the subject proposal, vide Letter dated 26.09.2023 (**Annexure - A20; Page No.185**).

23. That in compliance of the above direction of this Hon'ble

Tribunal, the SEAC (2nd Respondent) once again re-appraised the Appellant's Project in its 425th SEAC Meeting held on 23.11.2023 and decided not to recommend the project towards grant of EC. The minutes of 425th SEAC Meeting is as under (**Annexure - A21; Page No.192**):

"10. The Committee during detailed deliberations, noted the following points:

i) The proponent has made only minor changes in the Mining Plan by leaving a safety distance of 100m from the temple and proposing manual mining method for a depth of 24 m in the medium hard formation for a small area of extent.

ii) The village is situated very near to the project site and there were around 49 household with a population of 139 Nos.

iii) The submitted proposal is devoid of:- (1) sustainable mining practices & plan, and (2) assessment of mining operations vis 'a' vis environmental impacts for the village located nearby.

iv) Silicosis is a notified disease under Mines Act 1952 and the Factories Act 1948, commonly occurs from the mining operations of quartz and feldspar

v) Dust pollution and subsequently adverse impact on health of workers and nearby population (habitations & dwelling, were not very far from the proposed mining area. vi) Due to considerable number of transport vehicles, the roads situated in and around the village gets chocked. traffic jams occurs i.e. roads are not wide in the existing village road for such high traffic load vehicular emissions also add to air pollution.

vii) The dumps of the huge quarry (quartz) fines/fine chips may propagate the airborne silica particulates which pose dangerous health situation for the nearby population such as irreversible nature of diseases like silicosis.

viii) In the Modified Mining Plan, it is observed that drilling, breaking,

haulage, crusher house which are considered to be the main high risk zoner of silicosis, are planned for the proposed quarry.

.....

.....

Considering the health conditions of large population existing at a distance of just 100m away from the mine lease boundary, the Committee noted that the elimination of blasting activity alone by the proponent at indicated in the modified mining Plan will not nullify the impact of quartz & feldspar quarrying operation for a depth of 24 m' and even the manual mining operation induces propagation of airborne silica to the surrounding environmental settings includes a larger habitation located nearby leads to a disastrous impact on their health.

Hence, considering the health of the people residing in the village and the environmental degradation in a fresh & virgin land. the Committee after detailed deliberations decided not to recommend the Proposal for grant of Environmental Clearance."

24. That the above reasons are not sustainable for the following reasons :

I. **NO OPPORTUNITY OF BEING HEARD**

a. That the Appellant was put to sudden shock and was surprised to know that the reasons assigned by the 2nd Respondent for not recommending the project towards grant of EC was not discussed with the Appellant and not even with the Consultant who accompanied the Appellant and made the presentation before the SEAC (2nd Respondent) on 23.11.2023. The Appellant was not put to notice on the above aspects for the Appellant to clarify or adduce additional evidences or submissions. The same could have been clarified if the same were

queried during the course of presentation on 23.11.2023.

II. PIECEMEAL REJECTION

a. That the 1st Respondent without independently going into the requisite facts and ignoring that the 2nd Respondent has already appraised the project once before in its 327th SEAC Meeting held on 10.11.2022 (**Annexure - A10; Page No.108**) and had considered and discussed the project in detail and did not recommend owing only to the fact that the project was in close proximity to the habitations and temple, and not for any other reason; and that the 1st Respondent has merely accepted the recommendation of 2nd Respondent by virtue of conclusion of proceedings of SEAC and has rejected the Appellant's proposal by parading the reasons cited by the 2nd Respondent in its 682nd SEIAA Meeting held on 20.12.2023 (**Annexure - A22; Page No.199**).

b. That the 1st application for EC made by the Appellant, was rejected by the SEAC and SEIAA, only for the reason that the project did not meet the statutory requirement of 300m from the dwelling places, as per the Minor Mineral Concession Rules, and therefore the EC was rejected. However, even though the Appellant had modified its mining plan with respect to the distance of mining area and filed a fresh application before the authorities, the present impugned order of rejection by the authorities, is on wholly new and fresh grounds, which were never appraised to the Appellant nor any explanation sought for and was raised for the first time, despite it being the same project where the reason for rejecting the 1st application had been remedied by the

Appellant and the reasons cited in the subject impugned order are all curable defects.

c. That such practise of the Respondent Authorities, in inventing new reasons for rejecting the project, in piece meal, for the same project, evidences the premediated intention to reject the Appellant's application at any cost and such practise must be condemned since the Appellant has invested a huge amount and expenditure for the project.

d. That the same Committee (SEAC) has taken different stand or positions and have come up different reasons while appraising the project twice - first time at its 327th SEAC Meeting held on 10.11.2022 and the second time at its 425th Meeting held on 23.11.2023, thereby clearly indicating prejudiced mind while considering the proposal for appraisal towards grant of EC.

e. That the reasons cited in the subject impugned order, could have been cited by the authorities, during the appraisal of the 1st Application itself, however, having failed to do so, cannot now raise additional grounds in the subject impugned order, since the reasons cited for rejection in the 1st Application, was remedied and applied afresh, on the legitimate expectation that the Clearance will be granted.

f. The MoEF&CC has given sufficient powers and suitably equipped SEIAA and has clearly delineated them in Para 8 of the EIA Notification 2006, but the 1st Respondent chose to merely accept the reasons stated by the 2nd Respondent without dwelling on the aspect that the project was already appraised once by the

2nd Respondent in its 327th SEAC Meeting held on 10.11.2022 (**Annexure - A10; Page No.108**) and the reasons given for not recommending the project then and now in the 425th SEAC Meeting held on 23.11.2023 (**Annexure - A21; Page No.192**) are very different and has not even enquired as to why the reasons given now and earlier were different and more so when the project in a fresh proposal, and the project could have been re-considered for grant of EC.

III. SILICOSIS :

a. That the reason cited in the Impugned order, that the quarrying of quartz and feldspar may give rise to the risk of "*Silicosis*" and affect nearby villages, is completely unsustainable as a ground for rejecting the environmental clearance of the Appellant for the following reasons :

i. That the subject minerals i.e., quartz and feldspar are notified minerals by the vide Notification S.O 423 (E) dated 10.02.2015. Pursuant to the above, the Government of Tamil Nadu in its G.O. (D) No. 60, Industries (MMC.1) Department, dated 12.06.2021. authorized the Additional Director of Geology and Mining, Headquarters to approve the mining plan, hence there is no restriction for the Appellant to mine and quarry quartz and feldspar, under any provision of law, for the reason that the same causes "*Silicosis*".

ii. That the said minerals are not banned by the Government, however, necessary recommendations were to

quarrying operation of the said minerals.

iii. That the Respondents ought to have considered that as mentioned in the mining plan the site has a major deposit of 70% feldspar and 20% quartz and 10% waste. Therefore, the risk of causing Silicosis, is greatly diminished since only 20% of quartz will be mined.

iv. That it was proposed in the Mining Plan for the quarry operations to be carried out using *Manual Mining without blasting* and it was assured by the Appellant to the 2nd Respondent, that wet drilling will be used to put holes and use chemicals like calcium hydroxide to break/ crack the material and load it as lumpsum only. Therefore, there will be no crushing or blasting activities taking place and hence, no airborne spread of any ash or pollution of any kind which would risk the spread of silicosis. Besides, Green belt will be developed by planting trees along the boundary of the area to control air and noise pollution.

v. Further, necessary steps be taken to cover the boundaries with fencing and cover it with the green net to control the pollution.

vi. It is submitted that the National Human Rights Commission and the Directorate General of Mines Safety (**Annexures - A25 to A28 of Addl. Typed Set of Papers; Page Nos.213-364**), have filed their respective reports on the causation of Silicosis and ways to mitigate the same and a perusal of which would evidence that only sufficient

safeguards and measures are provided to carry out the quarrying in such a way that prevents silicosis, however, no restriction or outright ban on the quarrying operation has been put forth or suggested or implemented by the State and therefore, the impugned order is liable to be interfered with.

IV. **EC GRANTED FOR SIMILAR PROJECTS :**

a. That as per the additional counter filed by the Respondents, it is seen that there are about 18 nos. of EC's with respect to the quartz and feldspar has been granted by the present authority based on the recommendations of the authority. However, none of the EC's, the disease "Silicosis" is mentioned or any reason or condition cited in the EC's that affect or restrict the quarry operation, on the basis of spread or cause of "Silicosis" from the operation. Further, the EC's contain conditions with respect to carrying out medical examination and survey of the persons employed in the mines and the occupational health of the persons living within 1Km radius, annually (**Addl. Counter dated 05.12.2024, filed by the Respondents - Page Nos. 2 to 4**) and therefore, the same committee has recommended for EC for similar projects and hence, the rejection of the subject appellant's application, is premediated and prejudiced and therefore the impugned order is liable to be interfered with.

b. Further, the same committee being the 2nd Respondent, had granted Environmental Clearance to a project for Rough Stone quarry, wherein on being faced with dwellings and structures situated less than 100m from the quarry site, had formed and deployed a sub-committee in carry out a physical inspection of the

site and based on its recommendations and the fact that *no blasting* will be used for the operation, had recommended for grant of EC, with sufficient conditions and mitigation measures. (**Annexure A-31 - Pg No. 376 - Addnl Typed Set of papers**) This Appellant is nothing but similarly situated if not in a better position, since the Appellant is using all **non-explosive, no sound, no vibration, eco-friendly** materials in its operation. (**Annexure A 32 - Pg. 407 - Addnl Typed Set of Papers**)

IV. ROAD

a. That the Respondents failed to consider the fact that there is a separate road for hamlet and separate road for the quarry. So, there will no traffic occurring as alleged in the Impugned order. The Appellant use only 6 wheels tipper for the transport. The roads are wide enough for transport and water will be sprinkled at a regular intervals to control the dust and air pollution. Hence the reason cited is ill-founded and the impugned order needs to be interfered by this Hon'ble Tribunal.

V. APPLICABILITY OF RULE 36 (1-A) OF TAMIL NADU MINOR MINERAL CONCESSION RULES

a. It is respectfully submitted that, the subject project is for quarrying for quartz and feldspar, which do not fall under the definition of "Stones" and therefore, Rule 26 (1-A) of Tamil Nadu Minor Mineral Concession Rules and the siting criteria therein, cannot be made applicable to the subject quarry. There is no distance criteria prescribed for the subject quarry. However, the Appellant, with the intention to carry out safe and sound

quarrying, has left a distance of more than 100m i.e., about 150m, from nearby dwellings and this Appellant is ready and willing to comply with any other stringent condition for carrying out safe quarrying practises. **Further, it is submitted that the houses alleged to be situated near the quarry, are all unauthorised structures and constructions, lacking proper approval from the competent authorities.**

VI. DEVOID REASONING :

a. That the reasons cited in the Impugned order, that the quarry is situated at a distance of 100m from a temple and a village is very "nearby", are all unsustainable. It is submitted that the Appellant's mining plan had been duly appraised by the competent authorities and granted subject to conditions imposed therein, which this Appellant will be duly complying with. One of the conditions specifies that a distance of 100 m should be given from the boundary of nearby village/habitation/temple, however, **the Appellant has left about 150m.**

b. That the reason adduced in the Impugned order, pertaining to there being no study on sustainable mining practise and environmental impact on mining operations, are all curable defects, which this Appellant would have addressed and redressed, had it been brought to the notice of the Appellant by the authorities, during the hearing. However, having failed to do so, now the same cannot be put against the Appellant and moreso, cannot be a ground for rejecting the application.

c. That the 1st Respondent ought to have communicated the Impugned Order dated 20.12.2023 to the Appellant within the stipulated time period of 30 days as per the Rule 8 (ii) of the EIA Notification 2006 i.e., on or before 18.01.2024, however, the same was communicated on 17.02.2024 (**Postal cover is annexed with impugned order at Page No. 211**), which is beyond the stipulated period, hence the refusal of the 1st Respondent is per se illegal and amounts to violation of EIA Notification 2006.

d. That the Respondents ought to have considered the fact that there is no distance criteria prescribed in the EIA Notification to process the proposal for environmental clearance. The distance criteria as per the applicable Minor Mineral Rules of Tamil Nadu (TNMMC Rules) and the project merits consideration towards grant of EC.

VII. GOOGLE MAPS :

a. That the Respondent authority, empowered to grant Environmental Clearance by conducting various surveys, inspection, calling for necessary reports and documents to process the approval, has in the present matter relied upon "GOOGLE MAPS", an unreliable easily editable online source and as such, the same is wholly erroneous.

b. That there is no rule or provision of law in force, that mandates or even allows for the Respondent authority, to rely upon **GOOGLE MAPS**, as the basis for its statutory decisions and the same being relied upon, instead of conducting a physical inspection and survey, is wholly against the established principles

of law and is liable to be interfered with.

c. That the reliance placed and importance given to the online Map and its topography, without any valid basis or reasons justifying the same, warrants interference by this Hon'ble Tribunal.

VIII. OTHER GROUNDS FOR INTERFERENCE :

a. That the Respondent authority had failed to consider that the subject mineral is rare and localized only to a few specific regions and as such, that should have been a determining factor while deciding the present application and non-consideration of the same, is wrong and liable to be interfered with.

b. That the Respondent authorities, is empowered under the EIA Notification, 2006 to appraise the applications for Environmental Clearances while addressing all environmental concerns. However, such appraisal and grant or rejection of applications, have to be based on sound and valid reasons that are not inconsistent with the statutory enactments in each State and are however, bound by any such statutory restrictions already in place. That once the relevant competent authorities, as empowered under the respective enactments, have accorded clearance/no objection certificate/permissions, based on existing statutory conditions, the SEAC as well as the SEIAA are bound to appraise the applications for EC and impose conditions or mitigation measures, which are within the conditions or restrictions already imposed, while considering environmental concerns and cannot travel or impose anything beyond the same, since doing so, will

render the permissions and the statute under which they are imposed, as a nullity.

c. That the Respondent authority ought to have seen that the subject mineral for which the Clearance is sought for, has not been banned by any authority or government both at the Central and State level and as such, there is no bar for this Appellant to mine the same.

d. That the Respondent authority ought to have considered that the Mining Department, being the competent authority, has considered and ensured the Appellant's compliance with all procedures and regulations and thereafter has issued No Objection Certificate to this Appellant and issued Mining Plan, only after conducting a site inspection.

e. That the Respondent authorities, have a statutory duty under the EIA Notification, 2006, to peruse the application and documents filed, provide an opportunity for the applicant on the queries with respect to the project, that have potential environmental impact and thereafter, advise, implement and ensure that the Appellant's mining activity does not cause any environmental damage/degradation and further suggest measures and impose conditions to ensure that any damage to the environment is prevented further.

f. That despite the appellant has been assured to take the precautionary measures for the proper operation of subject quarry without any default / violation of environmental laws or any other laws in force, which was not considered by the Respondents for

the reasons best known and the same is violation of Article 19 (1) (g).

g. The 1st Respondent has not acted on merits and has merely and mechanically gone about rejecting the proposal thrice without appreciating the facts and evidences placed before it, despite having powers bestowed on it by MoEF&CC vide EIA Notification 2006.

h. That the remedy of Appeal and provision of law which gives right to appeal to the Appellant, has not been mentioned in the Impugned Order of the 1st Respondent for the reasons best known to the Respondents, which clearly shows their malafides and ulterior motive, hence the Impugned Rejection order is liable to be set aside.

25. That the Appellant diligently followed all the advice and instructions as required by the Respondents i.e., SEIAA/SEAC and conducted all the studies and obtained the necessary scientific reports from the competent authorities, by investing huge amounts of time (2021-2023) and money even during the most difficult Pandemic situation endured by the Appellant.

26. That the Appellant was made to run from the pillar to post by the Respondents for the period between 2021 - 2024, besides made huge investment for the subject project. This apart, various professional staff, skilled and semi-skilled staffs, etc., are being involved in the present project, to do quarry in compliance of environment and mining rules and in accordance with law.

27. That the Appellant in any manner has not violated any of the provisions of Environmental Laws. The Appellant is ready to comply with any direction / advise issued by the Respondents if it becomes necessary for the grant of Environmental Clearance and operation of the subject quarry, in accordance with law.

Under the above circumstances, the Appellant respectfully prays that this Hon'ble Tribunal may be pleased to **ALLOW THE APPEAL** and set-aside the Impugned Order vide Communication in Letter No. SEIAA-TN/F.No.10040/2023 dated 20.12.2023, issued by the 1st Respondent, and consequently, direct the Respondents to grant Environmental Clearance to the Appellant to quarry Quartz and Feldspar over an extent of 2.07.5 Hectares of patta land comprised in S.F.No. 326/1, Vaigundam Village, Sankari Taluk, Salem District, within a time stipulated by this Hon'ble Tribunal and thus render justice.

Dated at Chennai on this 9th day of December, 2024



COUNSEL FOR THE APPELLANT

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

Appeal No. 32 of 2024 (SZ)

Tvl. Vels Minerals LLP

... Appellant

-Versus-

State Level Environment Impact
Assessment Authority (SEIAA),
Rep. by its Member Secretary
& another

... Respondents

WRITTEN ARGUMENTS

**M/s. P. KOKILA
K. PRIYANKA
B. GIRIJA
K. MOKSHAVATHY**

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