

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

APPEAL No. 40 of 2024

Noble M. Paikada

...Appellant

-Vs-

State Environmental impact
Assessment Authority and
another

...Respondents

REPLY STATEMENT FILED BY 2ND RESPONDENT

The 2nd Respondent above named begs to state as follows:

The address of the 2nd Respondent for service of all process is that of his counsel M/S. MUTHUKODALINGAM, A. LOGESH having office at No. 116/348, 1st floor, Hussain Plaza, Thambichelty street, Chennai - 60.

1. The 2nd Respondent state that the above petition is not maintainable either in law or on facts of this case and the same is liable to be dismissed in limini.

2. The 2nd Respondent denies each and every averment mentioned in the appeal except those that are specifically admitted herein and put the Appellant strict proof of the same.

3. The 2nd Respondent state that averment in Paragraph 1 and 2 of the appeal are related to the personal introduction of the appellant and this Respondent has not made any reply on the same.

4. The 2nd Respondent state that averment in Paragraph 3 to 6 of the appeal are extract of various newspaper articles of Megalithic and the said articles are no way connected with area leased to this Respondent for granite quarry.

Page No : 1

No. of copies : 1



5. The 2nd Respondent deny that averment in Paragraph 7 of the appeal that the appellant has highly aggrieved by the grant of environmental clearance to this Respondent and the area where this Respondent carrying out mining operations is highly affected by the environmental degradation caused due to the mining operations and this Respondent has encroached into the nearby areas by violating the conditions of the earlier lease are imaginary story of the appellant and put him strict proof of the same. The 2nd Respondent state that the 1st Respondent granted Environmental clearance to this Respondent with due diligence and followed the all rules prescribed under law and this Respondent furnished all the general and special requirement of the SEAC and they properly scrutinized and appraised the said documents and based on said appraisal the 1st Respondent issued Environment Clearance. The 2nd Respondent state that it has not encroached any nearby areas of earlier lease as alleged by the appellant and he has not produced any evidence for the same.

6. The 2nd Respondent deny the averment in Paragraph 8 of the appeal that this Respondent has till date not uploaded the documents relating to the grant of Environmental Clearance in the 1st Respondent website or the Parivesh Portal and the said application was preferred by this Respondent before the 1st Respondent suppressing several material facts are imaginary story of the appellant and put him strict proof of the same. The 2nd Respondent states that the appellant had make bald allegations without proper verification of the 1st Respondent website. The 2nd Respondent further state that this Respondent has not suppressed any material fact in the application submitted to the 1st Respondent as alleged by the appellant and put him strict proof of the same.

Page No : 2
No Com : Nil



7. The 2nd Respondent state that the SEAC required certain additional documents to this Respondent in its 151st meeting and said minutes of meeting is enclosed by the appellant as ANNEXURE A2 and extract of said decision as follows

As invited, the proponent, Sri. John Thomson and the RQP, Dr. Nazar Ahamed K.V. were present. The RQP made the presentation. The mineable reserve is 8,84,813 MT (88,480 TPA) and life of mine is 10 years. The highest elevation is 135 m MSL and the lowest elevation is 115 m MSL. The distance to the moderate hazard zone is 8.04 Km and to the high hazard zone is 17.23 km. The Chulanur Peafowl Sanctuary is situated at 8.2 km. The Field inspection was conducted on 14.06.2023. **The Committed directed the project proponent to submit the following additional documents.**

1. Present land use details
2. Site specific EMP with budget for entire life of mine.
3. CER to be revised in consultation with the Local Body considering their need to address water requirements.
4. Details of water requirement, availability, source and yield characteristics of source.
5. Compensatory afforestation plan along with coordinates of proposed site, geotagged photographs of the proposed site, species proposed to be planted and the ownership details/consent of the land owner.
6. OB dump location with geo coordinates.
7. Recently certified legible survey map from the Village Office showing the distance to all the built structures within 200m from the project boundary.
8. Letter from DFO regarding the distance of the site from the sanctuary, details of the proposed ESZ around the Choolannur bird sanctuary and whether the site falls within the ESZ and copy of application submitted for wild life clearance from the NBWL.

Page No : 3

No Corr : Nil



This Respondent has submitted all additional documents required by the SEAC in its 151st meeting as mentioned above and on perusal of said documents and discussion the SEAC recommended for EC with general and specific conditions.

8. The 2nd Respondent deny the averment made in paragraph 10 of the appeal that thereafter the matter was placed in the 155th meeting of the SEAC and the Committee decided to recommend EC for the project life of 5 years subject to some specific conditions in addition to the general conditions and there was absolutely no scrutiny or appraisal with respect to the documents called for in 151st meeting by the SEAC and no detailed scrutiny of the earlier reports were also not done and the SEAC conducted a namesake meeting and recommended the project of this Respondent for EC in a hasty manner and no reasons whatsoever are stated by the SEAC as to why and how the decision is arrived to grant EC and no appraisal was done in the said meeting are imaginary allegations of the appellant and put him strict proof of the same.

9. The 2nd Respondent state that the SEAC committee has verified the additional documents submitted by this Respondent with due diligence and recommended EC to this Respondent and said minutes of meeting is enclosed by the appellant as ANNEXURE A3 and the extract of said decision is follows.

"The Committee verified the additional documents submitted by the project proponent and found them satisfactory. The total mineable reserve is 8,84,813 MT with annual production of 88,480 TPA. The life of mine is 10 years. The highest elevation is 135 m MSL and the lowest elevation is 115 m MSL. The depth of water table is 2m to 4m bgl as per the details provided by the proponent. The distance to the moderate hazard zone is 8.04 Km and to the high hazard zone is 17.23 km. the

Page No: 4

No. Com: Nil



Chulanur Peafowl Sanctuary is situated at 6.4 km and the proponent has submitted the proof of application for Wild Life Clearance. The field inspection was carried out on 14.06.2023. The Committee heard the presentation in its 151st meeting. Based on discussions, **the Committee decided to recommend EC for the project life of 10 years subject to the following specific conditions in addition to the general conditions**

1. The depth of mining should be limited to 115m above MSL instead of 95m above MSL as approved in the mine plan considering the depth to water table.

2. While implementing the CER, action should be taken to remove the silt from the Nellippara Dam prior to its renovation. The de-siltation shall be done periodically.

3. Buffer distance of 50m should be maintained between the crusher and other built structures, if any, and the project boundry.

4. Make proper fencing around the abandoned quarry pit nearby.

5. Development of green belt should be initiated prior to the commencement of mining using indigencus species.

6. Drainage system incorporating garland canal, silt traps, siltation pond and outflow channel connecting to a natural drain should be provided prior to the commencement of mining.

7. The impact of vibration due to blasting on the houses and other built structures within 500m distance from the project boundry should be monitored in terms of Peak Particle Velocity and amplitude for maximum charge per delay and included in the Half Yearly Compliance Report.

8. Overflow water from the siltation pond should be discharged to the nearby drain after adequate filtration.

9. Garland drain, silt-taps, siltation ponds and outflow channel should be desilted periodically and geo-tagged photographs of the process should be included in the half-yearly compliance report (HYCR)

Page No : 5

No corr: Nil



10. Drainage water should be monitored at different seasons by an NABL accredited lab and clear water should only be discharged into the natural stream. Geotagged photographs of the drainage and sampling site should be submitted along with HYCR.

11. Overburden should be stored at the designed place and gabion wall should be provided for the topsoil and overburden storage sites.

12. CER Plan should be implemented within the first 2 years and it should be operated and maintained till the mine closure plan is implemented.

13. Transportation of mined material should not be done during the peak hours in the forenoon (8.00 am to 10.00am) and afternoon (3.30pm to 5 pm).

14. Adequate sanitation, waste management and rest room facilities should be provided to the workers.

15. Adequate energy conservation measures should be implemented including solar power installations. At least 40% of the energy requirement shall be met from the solar power.

16. Adequate facilities should be adopted to harvest the rainwater as per the guidelines issued by the Central Ground water Authority.

17. Environment Management Cell (EMC) should include one subject expert in environment management. The proceedings of the monthly meeting of the EMC should be submitted along with the HYCR.

18. Adequate number of avenue trees of indigenous species should be planted along both sides of the haulage road.

19. Geotagged Photographs of the progress of Compensatory afforestation should be submitted along with HYCR.

This Respondent further states that the said 155th meeting is not namesake as alleged by the appellant and the SEAC made recommendation for EC only upon careful perusal of document with due diligence.

Page No : 6

No Corr : Nil



10. The 2nd Respondent deny the averment in paragraph 11 of the appeal that even though SEAC has no claim of conducting detailed scrutiny or appraisal of the project based on Form-1 application, Mining plan, Pre-feasibility Report etc, the 1st Respondent falsely claimed so in their 137th meeting are imaginary allegations of the appellant and put him strict proof of the same. The 2nd Respondent state that 1st Respondent granted EC to this Respondent after careful perusal and discussion upon the recommendation of SEAC with general and additional Specific condition and the same is extracted in their minutes of meeting and said document is enclosed by the appellant as ANNEXURE A4 and relevant portion of permission to this Respondent mentioned in page No.69 to 73 of appellant typed set.

11. The 2nd Respondent deny the averment in paragraph 12 and 13 of the appeal regarding the Cluster Situation and the appellant cited the notification vide S.O.2269E dated 01.07.2016 issued by MoEF & CC and marked as ANNEXURE A5. The 2nd Respondent state that the said notification related to amendment of Cluster Situation for "State of Rajasthan" and on perusal of ANNEXURE A5 clearly exhibited the same. The 2nd Respondent further state that ANNEXURE A6 is cluster certificate issued by the competent authority and the said certificate issued with proper inspection. The 2nd Respondent state that this Respondent has not mined out the site before EC as alleged by the appellant and put him strict proof of the same.

12. The 2nd Respondent deny the averment in paragraph 14 and 15 of the appeal that this Respondent has not concealed any material facts in Form -1M and pre-feasibility Report as alleged by the appellant and he make false and bald allegations against this Respondent. This Respondent has not mined out the site before EC as alleged by the appellant and put him strict proof of the same. The 2nd Respondent

Page No: 7
No Comm: Nil



further state that ANNEXURE A6 is cluster certificate issued by the competent authority and the said certificate issued with proper inspection.

13. The 2nd Respondent denies the averment in paragraph 16 to 19 of the appeal regarding the DSR and the appellant averred that the said DSR is outdated without any just and cause. The 2nd Respondent state that the said DSR is not namesake as averred by the appellant and said DSR prepared within preview of EIA notification.

14. The 2nd Respondent denies the averment in paragraph 20 of the appeal that based on EC this Respondent has approached the local government bodies and Geology department in Palakkad District and is making hasty steps to obtain a mining lease so as to start the mining operations and starting of mining operations on the basis of EC will create irreparable damage to the environment and ecology of that area are imaginary story of the appellant and put him strict proof of the same. The 2nd Respondent state that the 1st Respondent issued EC after careful perusal of recommendation made by SEAC with general and additional specific to this Respondent and mining operation will not damage environment as alleged by the appellant.

15. The 2nd Respondent denies the averment in paragraph 21 of the appeal that the biodiversity assessment report prepared by non RQP or accredited consultants by the NABET and as per the statutory scheme, on the accredited consultants of NABET or RQP can prepare documents for obtaining prior EC and the 1st Respondent ought to have insisted for such a bio diversity report prepared by NABET accredited consultants are imaginary story of the appellant and put him strict proof of the same. The 2nd Respondent state that Dr. Anoop Das is expert in biodiversity and RQP and on 03.06.2022 he visited site with

Page No : 8

No Conn : Nil



his team and inspected the site and prepared the biodiversity assessment report. It is pertinent to note that biodiversity assessment report is not mandatory for mining below 50 Hectares for obtaining EC.

16. The 2nd Respondent denies the averment in grounds in paragraph in "a to mm". The said averments are repetitive of paragraph 1 to 21 of the appeal and this Respondent denies said allegations in toto. This Respondent state that there is no merit on this appeal and in order harass this Respondent, the appellat filed this appeal.

Therefore it is prayed that this Hon'ble Tribunal may be pleased to dismiss this appeal with cost and pass any other orders as deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai this day of September 2024


2nd Respondent


Counsels for Respondents

VERIFICATION

I, John Thomson, Proprietor, M/s.Tropical Granites, the 2nd Respondent herein do hereby verify and state that what has been stated in para No.1 to 16 are true to the best of my knowledge and belief.

Verified at Chennai on this the day of September 2024


2nd Respondent

BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL
(SZ) CHENNAI

Appeal.No.40, / 2024

REPLY FILED BY THE
2ND RESPONDENT

M/s. S.MUTHUKOODALINGAM
A.LOGESH
Counsel for 2ND Respondent
Mobile: 99940211090