

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Appeal No. 41/2024

In the Matter of

Ushakumari

...Applicant

Versus

The Ministry of Environment,

Forest and Climate Change and Ors.

...Respondent(s)

AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,

FOREST AND CLIMATE CHANGE (RESPONDENT No. 1)

MOST RESPECTFULLY SHOWETH:

I, Suresh Kumar Adapa, currently working as Scientist "E" in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Bengaluru, do hereby solemnly affirm and state as under: -

1. That I, in my official capacity of Scientist "E" in the Ministry Environment, Forest and Climate Change, Bangalore i.e. Respondent No. 1 in the above-mentioned matter, am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.

A. Suresh Kumar

Suresh Kumar Adapa
Scientist "E" / Additional Director (S)
Ministry of Environment, Forest & Climate Change
Integrated Regional Office
Kendriya Sadan, Koramangala
Bengaluru - 560034

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
INTEGRATED REGIONAL OFFICE
KENDRIYA SADAN, KORAMANGALA
BENGALURU - 560034

2. It is submitted that a short affidavit is being filed by the answering respondent at this stage and craves leave and liberty to file a detailed Affidavit to the aforesaid application, as and when required.
3. That the applicant has filed the instant application challenging the revocation of the suspension order of the Environmental Clearance (EC) which was originally granted on 20.07.2022 for the quarrying of building stone imposing conditions which includes the usage of NONEL technology for blasting, on the basis of the complaint from the appellant on inspection the SEIAA-Kerala, noticed that blasting is done using electric detonators and issued order suspending the EC granted on 28.03.2023. The applicant further stated that, on the assurance that NONEL technology will be used for blasting the suspension order was revoked by order dated 17.02.2024. The applicant has also stated that, despite the fact that the 5th Respondent was not following the NONEL method for blasting, the revocation is granted.
4. It is humbly submitted that, the Ministry has issued Environmental Impact Assessment (herein after referred as "EIA") Notification dated 14th September, 2006 which requires certain projects to obtain prior Environmental Clearance ("EC") before any construction work in case of new projects or expansion and modernization of existing projects or

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7. It is humbly submitted that the, State Environment Impact Assessment Authority (SEIAA), Kerala vide EC dated 20.07.2022, has issued the Environmental Clearance to the project proponent. A copy of the Environmental Clearance is marked and annexed here herein as **ANNEXURE R1/1.**
8. That, the Ministry vide notification no. S.O. 637 (E) dated 28.02.2014 delegated the power to SEIAA to issue show cause notice to project proponents in case of violation of the conditions of the Environmental Clearances (EC) issued by the said Authorities to projects or activities within their jurisdiction and to issue directions to the said project proponents for keeping such EC in abeyance or withdrawing them, if required, for violations. A true copy of the Notification S.O. 637 (E) dated 28.02.2014 is marked and annexed herein as **ANNEXURE R1/2.**
9. That, the Answering respondent vide notification S.O. 1886 (E) dated 20.04.2022 states that environmental clearances of all minor mineral shall be dealt at State level irrespective of mine lease area. A copy of the Notification S.O. 1886 (E) dated 20.04.2022 is marked and annexed herein as **ANNEXURE R1/3.**
10. It is respectfully submitted that the State Department of Mines and Geology is the Nodal Authority in the State for dealing with the allotment of mining leases under the Mines and Minerals (Development and

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activities. The Schedule to the Notification details the categories or projects or activities which require prior environmental clearance.

5. It is further submitted that all projects and activities are broadly categorized into two categories - Category "A" and Category "B", based on the spatial extent of potential impacts and potential impacts on human health and natural and manmade resources. All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, require prior environmental clearance from the Central Government in the Ministry of Environment, Forest and Climate Change (MoEF&CC) and all projects or activities included as Category 'B' in the Schedule require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA).
6. That, in exercise of the powers conferred upon the Central Government under sub section (3) of section 3 of the Environment (Protection) Act, 1986 and in accordance with the procedures specified in the EIA Notification, 2006, SEIAAs have been constituted in different States/UTs to discharge the functions of the regulatory authorities for the respective States/UTs.

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Regulation) Act (MMDR Act) and is entrusted with the enforcement and regulation of mining operations in a State including illegal mining. Further, the State Government is empowered under Section 23 C of the Mines and Minerals (Development and Regulation) Act 1957(MMDR Act) to make rules for prevention of illegal mining, transportation and storage of minerals.

11. That, the State Pollution Control Board is the Nodal Authority in the State for dealing with cases related to pollution or environment management coming under the purview of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment Protection Act 1986.

12. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s)/directions as the Hon'ble Tribunal may deem fit and proper in the interest of justice.

A. Suresh Kumar
25/07/24
DEPONENT

Suresh Kumar Adapa
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VERIFICATION

Verified at Bengaluru on this 25th day of September 2024 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.



COUNSEL FOR R1

MS. 3714 / 2012

Mobile: 9444 95 3883

(DR.C.K. SYED SHAFFI)


DEPONENT

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Dated: 22-01-2025.