

IN THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI

APPEAL NO. 44 OF 2024 (SZ)

N Thangavel

...Appellant

vs

SEIAA and Ors..

... Respondent(s)

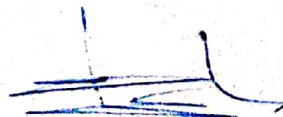
REJOINDER STATEMENT FILED BY THE APPELLANT
TO THE REPLY STATEMENT FILED BY THE RESPONDENT NOS.
1 TO 2 - SEIAA, TAMIL NADU AND SEAC, TAMIL NADU

1. The Appellant respectfully begs to file the following Rejoinder Statement to the Reply Statement filed by the Respondent Nos. 1 to 2 - SEIAA, Tamil Nadu and SEAC, Tamil Nadu.
2. It is submitted that the Appellant was already operating the quarry lease area forming part of private / patta land comprised in S. F. Nos. 271/6, 272/2, 272/3 and 272/4 of Thoppampalayam Village, Sathyamangalam Taluk, Erode District, Tamil Nadu for three (3) spells as under and the same has been endorsed by the Respondents as well:

Sl. No.	Period of Grant & Extent	Mineral Excavated
(1)	1996 - 1999 (02.11.1996 to 01.11.1999) - 3 years. Extent - 1.77.0 Hectares.	Rough Stone & Gravel
(2)	2004 - 2009 (21.06.2004 to 20.06.2009) - 5 years. Extent - 2.41.0 Hectares.	Rough Stone & Gravel
(3)	2009 - 2014 (13.07.2009 to 12.07.2014) - 5 years. Extent - 2.41.0 Hectares.	Rough Stone & Gravel

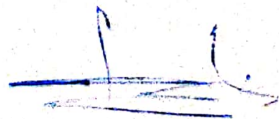
3. It is respectfully submitted that the Appellant operated for about thirteen (13) years in three (3) spells (supra) with an unblemished record with due care and protection to environment and its surroundings.
4. It is respectfully submitted that the Appellant is presently intending to operate in the aforesaid area for the fourth time and has obtained the requisite approvals and sanctions from the local authorities viz., Revenue authorities, officers of Dept. of Geology and Mining (DGM), District Collector, etc. in terms of NOCs (No objection Certificates), precise area communication, approval of mining / quarrying plan among others. The Ministry of Environment Forest and Climate Change (MoEF&CC), Govt. of India, New Delhi has made it mandatory for all minor mineral projects to obtain Environment Clearance (EC) even though the spatial extent is less than five (5) hectares vide Office Memorandum (OM) No. L-11011/47/2011-IA.II(M), dated 18.05.2012 subsequent to the Hon'ble Supreme Court decision in the case of Deepak Kumar vs. State of Haryana & Ors. on 27.02.2012 in I.A. No. 12-13 of 2011 in SLP(C) No. 19628-19629 of 2009. Hence the Appellant applied for obtaining EC from the SEIAA-TN (Respondent No. 1).
5. It is respectfully submitted that no concrete reasons are forthcoming from the Respondents as per the applicable statutory norms in terms of safety distances, etc. as to the rejection of the Appellant's EC. The Counter Affidavit filed by the Respondents is silent on this and is harping on extraneous factors that are beyond its powers mandated under the extant EIA Notification, 2006 and the guidelines / OM / Circulars, etc. issued by MoEF&CC from time to time.

6. It is respectfully submitted that the Appellant's case was appraised & re-appraised three times and was rejected all the three times with no discussions on deviation from statutory norms established by the State Government or MoEF&CC.
7. It is respectfully submitted the Appellant applied towards obtaining EC for the first time on 24.08.2021 and the case of the Appellant was taken up for appraisal by Respondent No. 2 only on 28.04.2022 (SEAC 267th meeting) after a delay of about 242 days which is against the established time schedule mentioned in EIA 2006 Notification. This delay of 242 days is never explained by the Respondents. Subsequently the Respondent No. 2 cited an amendment the Tamil Nadu Minor Mineral Concession Rules, 1959 (TNMMC Rules) by way of insertion of clause (e) in subrule (1-A) of Rule 36 by way of Notification in G.O.(Ms). No. 295 of Industries (MMC.1) Department, dated 03.11.2021 and rejected the online application made on 24.08.2021 owing to the fact that the project area is situated at a distance of about 112 meters from Velamundi Reserve Forest.
8. It is respectfully submitted the above amendment by the Government of Tamil Nadu happened much after the Appellant had submitted his application online on 24.08.2021 towards grant of EC and therefore the said amendment could not have been applied retrospectively to this Appellant.
9. It is respectfully submitted had the Respondents considered the proposal of the Appellant in time as stipulated as per EIA Notification 2006, then the amendment would not have come in the way of grant of EC to the Appellant.
10. It is respectfully submitted that as per para 8(i) of EIA 2006 Notification the EC ought to be considered and decided within




a period of one hundred and five (105) days from the date of receipt of application. Reasons for the delay in considering the application is not mentioned in the Counter Affidavit filed by the Respondents.

11. It is respectfully submitted that that the Government of Tamil Nadu has omitted the words "and Reserved Forests" w.e.f. 14.12.2022 in clause (e) of subrule (1-A) to rule 36 of TNMMC Rules leading to the conclusion that the project area of the Appellant can still be considered and granted EC even when the project area falls within 1.00 Km. distance from any Reserve Forest boundary.
12. It is respectfully submitted that the SEAC i.e. the 2nd Respondent had fully appraised the project under the extant provisions of Environment Clearance Notification/s (as amended) and as per the applicable guidelines, clarifications, etc. issued by the MoEF&CC, New Delhi in its 267th meeting held on 28.04.2022 and the only hurdle was the proximity of distance of about 112 meters from the Velamundi Reserve Forest and nothing else.
13. It is respectfully submitted that in the light of amendment / omission of words "Reserve Forests" in the said Rule 36(1-A)(e) of TMMC Rules w.e.f. 14.12.2022 the Appellant submitted his application towards grant of EC online vide SIA/TN/MIN/412132/2022, dated 24.12.2022 (File No. 9694) explaining the above amendment brought in by the Govt. of Tamil Nadu in the TNMMC Rules and the project needs to be accorded EC without warranting re-appraisals. Respondent No. 1 could have considered the re-submitted EC application dated 24.12.2022 by the Appellant and considered for grant of EC, since the SEAC i.e. Respondent No. 2 had already




appraised the project during its 267th meeting held on 28.04.2022, but the SEIAA i.e. Respondent No. 1 chose to once again refer the matter to SEAC i.e. Respondent No. 2, though not warranted. Also, no reasons are mentioned in the Counter Affidavit filed by the Respondents for referring to SEAC (Respondent No. 2) for the second time.

14. It is respectfully submitted that there is no provision in the EIA 2006 Notification for re-appraising a project that was already appraised once. As a matter of fact, even SEAC (Respondent No. 2) ought not to have encouraged re-appraisal of a project that was already appraised once. It is a clear violation / injudicious use of powers conferred on the Respondents by MoEF&CC.
15. It is respectfully submitted that Respondent No. 2 re-appraised the project in its 365th SEAC Meeting held on 24.03.2023 vide Agenda Item No. 365-23 (File No. 9694/2022) and decided not to recommend the project towards grant of EC owing to completely different reasons from what was discussed in its 267th meeting held on 28.04.2022, which are contrary to the Guidelines issued by MoEF vide Circular bearing No. J-11013/41/2006-IA.II(I) dated 14.05.2009. This clearly demonstrates prejudice or bias against the Appellant/project.
16. It is respectfully submitted that reasons cited for rejection by SEAC (Respondent No. 2) and serving of rejection order vide letter No. SEIAA-TN/F. No. 9694/2022, dated 25.05.2023 by SEIAA (Respondent No. 1) are beyond the statutorily prescribed norms i.e. the safety distances specified in the respective statutes and the project meets all the requisite safety distance and the same has been amply demonstrated in the



Appeal filed before this Hon'ble Tribunal and also in various representations made by the Appellant to Respondent No. 1.

17. It is respectfully submitted that the Respondents cited similar reasons to reject grant of EC for the third time when the Appellant approached this Hon'ble Tribunal and secured an order dated 10.01.2024 in Appeal No. 41 of 2023 (SZ) towards reconsideration of EC application made for the third time online vide proposal No. SIA/TN/MIN/440129/ 11.08.2023, which came to be acknowledged by SEIAA (1st Respondent) vide Letter No. SEIAA-TN/F.No. 10317/2023, dated 12.08.2023.
18. It is respectfully submitted that the Respondents are completely biased or prejudiced against the Appellant in their approach and have traversed beyond the mandate given under EIA Notification 2006 and have become a law unto themselves which in the humble view of the Appellant should be condemned and not entertained.
19. It is respectfully submitted that the Respondents have lost sight of the fact that the project area was very much operational when the District Collector, Erode during 2011 had entrusted the work to Anna University to carry out Scientific study on influence of blasting in blue metal quarries of Thoppampalayam Village and its surroundings on Bhavanisagar Dam & nearby farm lands and the report came up with positive conclusions in favour of quarry operators (including the Appellant) and has recommended to use jackhammer drilling and controlled blasting techniques and if done so, then there shall be no harm to the dam and its surroundings. Instead, the Respondents have relied upon one paragraph in the said scientific study report of Anna



University and have unilaterally arrived to a conclusion that the Appellant might violate the recommendations in the said report and hence the projects needs to be rejected towards grant of EC, without granting the appellant an opportunity of explaining the above.

20. It is respectfully submitted that the said scientific study report of Anna University has established the credentials of the Appellant as the safest and most compliant quarry operator and hence the District Collector allowed the Appellant to continue quarrying operations with all the attendant environment surrounding the project area.
21. It is respectfully submitted that in anticipation of starting the project to excavate rough stone and gravel from the quarry area, the Appellant has put up a Crushing unit at an aerial distance of about 1.853 Kms. from the project area, but all efforts have been put to waste due to the multiple rejections meted out by the Respondents without any plausible reasons.
22. It is respectfully submitted that having operated the quarry for thirteen (13) years, the doctrine of legitimate expectation as propounded by the Hon'ble Supreme Court in **Food Corporation of India Vs. M/s. Kamdhenu Cattle Feed Industries (1993) 1 SCC 71** have been given a complete go-by and has inflicted huge financial losses to the Appellant.
23. It is respectfully submitted that even in the District Survey Report of Erode District, a mandatory document prepared as per the EIA Notification 2006, has no negative remarks with respect to quarrying of rough stone and gravel in Thoppampalayam Village, Sathyamangalam Taluk, Erode District and in the surrounding areas of Bhavanisagar Dam.



THE APPELLANT NOW SUBMITS HIS REJOINDER PARAWISE AS UNDER:

24. It is submitted that the averments made in **Paras 1 - 3**, need not be traversed and are all matters of record and the Respondent is put to strict proof of the same.
25. **Re Paras 4 & 5:** It is admitted by the Respondents that the EC application was made on 24.08.2021 online in para 3, and the Respondents also admit on record that SEAC considered the proposal only in its 267th SEAC meeting held on 28.04.2022, after a period of 242 days and therefore, as per para 8(i) of the EIA 2006 Notification, when the project ought to be disposed of within 105 days, such a long gap in considering the EC application is not explained and therefore clearly demonstrates that the Respondents have acted in contravention to the provisions of the EIA Notification, 2006.
26. It is submitted that the reason for not recommending the proposal in the 267th SEAC meeting held on 28.04.2022, was only due to the restriction imposed by way of G.O (MS) No. 295 dated 03.11.2021, and due to the proximity of the Velamundi Reserve Forest at a distance of 112 metres from the project area. However, the committee ought to have considered that the EC application was made prior to the restriction imposed by GO and therefore, as on the date of application of EC, the project was well within the prescribed statutory norms and therefore, the restriction imposed thereafter ought not to have been applied retrospectively to this Appellant and not recommended for EC.
27. **Re Para 6:** With respect to the averments made, it is submitted that the Appellant applied for EC again for the second time on 24.12.2022 owing to the fact that Govt. of Tamil Nadu omitted



the phrase "Reserve Forests" from clause (e) in subrule (1-A) of Rule 36 of TNMMC Rules w.e.f. 14.12.2022, being the restriction which was sought to be put against the Appellant for rejecting the EC.

28. Re Paras 7 - 9: The SEIAA (Respondent No. 1) has in the earlier paragraphs admitted that the project was already appraised by SEAC (Respondent No. 2) in its 267th SEAC meeting held on 28.04.2022 and there was only one reason assigned to reject the proposal then and the said reason (proximity to Velamundi Reserve Forests) has been negated by Govt. of Tamil Nadu and therefore, the SEIAA (Respondent No. 1) ought not to have remitted the proposal for a second appraisal, but ought to have considered and granted EC in favour of the Appellant, but SEIAA choose to do otherwise for reasons best known to it.

29. It is respectfully submitted that there is no concept of second appraisal under the EIA Notification, 2006 when the project had already been appraised once before. As a matter of fact, rejecting the proposal for the first time should be treated akin to additional details sought by the Respondents and once such situations / instances / provisions in law are modified / amended / remedied, then it should be automatically considered as reply made to the additional details raised and the project considered towards grant of EC.

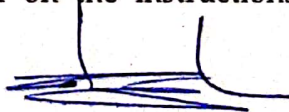
30. It is respectfully submitted that referring to SEAC (Respondent No. 2) again for the second time by SEIAA (Respondent No. 1) is not explained and shows the intent of Respondents to clearly demonstrate that they can go beyond the mandate given under EIA 2006 Notification.

31. It is respectfully submitted that the reasons cited by the Respondents do not fit into the statutory norms i.e. statutory



distances fixed by MoEF&CC and Govt. of Tamil Nadu and the Project is well within the statutory distances prescribed to merit consideration towards grant of EC. The Respondents are also harping on the project being in close proximity of Satyamangalam Tiger Reserve (6.580 Kms from the project area), but has failed to consider that the Government has notified Eco Sensitive Zone (ESZ) of 0 - 1.00 Km. surrounding the said Tiger Reserve vide MoEF&CC Notification S.O. 788(E), dated 19th February, 2021 and there was no need for the project to obtain prior approval from the National Board of Wildlife (NBWL), since the project area falls completely outside the notified ESZ. The Respondents ought to have taken cognisance of MoEF&CC OMs F. No. 22-43/2018-IA.III, dated 8th August, 2019 & F. No. 6-60/2020WL Part (I), dated 16 July 2020 superseded by OM FC-11/119/2020-FC, dated 17-05-2022 and not insisted on the aspect of obtaining prior approval from NBWL and raising the issue of proximity to Tiger Reserve and ESZ.

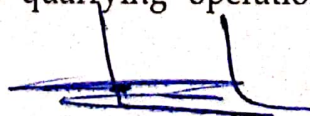
32. It is respectfully submitted that the Respondents have admitted that District Collector has allowed the Appellant to carry on quarrying operations in the past three (3) times owing to the Scientific study Report submitted by the Dept. of Mining Engineering, Anna University that there shall be no harm to the structure of Bhavani Sagar Dam and its surroundings if blasting operations with prescribed maximum charge per delay in every round adopted under supervision of competent personnel under the provisions of MMR, 1961.
33. It is respectfully submitted that when the scientific study was conducted by the Dept. of Mining Engineering, Anna University during 2011 on the instructions of the District



Collector, the quarrying operations were being carried on by the Appellant and no adverse reports were ever made against the Appellant in the study report. As a matter of fact, the said study report of Dept. of Mining Engineering, Anna University goes in favour of the Appellant to consider the project towards grant of EC and not reject the case. It is sheer high handedness and non-application of facts in right perspective to the case on hand by the Respondents, which is not in-line with the mandate of EIA Notification 2006.

34. Re Para 10: It is a matter of record that Appellant applied again for grant of EC online on 11.08.2023 and the same was rejected by SEIAA (Respondent No. 1) vide letter dated 21.11.2023 without appraisal / re-appraisal.

35. With respect to the averments made in Para 11 - 12 are all matters of record and need not be traversed. With respect to the averments made in Para 13, it is respectfully submitted that the reasons indicating proximity to Bhavani Sagar Dam, Satyamangalam Tiger Reserve, Velamundi Reserve Forest, ESZ, etc. are beyond the competence of SEAC (Respondent No. 2), since the project was operational for thirteen (13) years in the past with an unblemished record and all the reasons cited by SEAC (Respondent No. 2) were prevalent even then and the project is within the prescribed safety distances as stipulated by MoEF&CC and Govt. of Tamil Nadu and during the previous spell of thirteen (13) years the blasting operations did not cause any harm to the surrounding structures (incl. the dam) and even the Scientific Study Report prepared by the Dept. of Mining Engineering, Anna University bears testimony to this fact and the District Collector allowed the Appellant to continue quarrying operations during 2011,

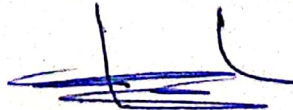


when the quarry was operational. These facts have been glossed over by SEAC (Respondent No. 2) and have acted in a malafide manner and recommended not to grant EC, simply owing to the fact that it was recommended for rejection earlier once (by the same Committee members) and are not ready to change their stand, despite explaining all the facts that the project is well within the stipulated safety distances mandated by the Ministry and State of Tamil Nadu.

36. It is also respectfully submitted that the local authorities viz., DGM officials, Revenue officials, District Collector recommended the area towards grant of Quarry Lease, but it is only the Respondents who have taken a contrary and prejudiced stand that the project cannot be accorded EC, regardless of any valid reason for grant. It's a clear case of falling shy of conceding and carrying out their duties as instrumentalities of state. The reasons cited are an overreach of statutory provisions qua safety distances, which cannot be entertained.

37. **Re paras 14 & 15: That the SEIAA (Respondent No. 1) failed to look into the various representations made by the Appellant viz. letters dated 09.08.2023, 17.11.2023 and 30.01.2024 explaining clearly that the project is well within the prescribed safety distance criteria as per the MoEF&CC norms and the safety distance provisions incorporated in the TNMMC Rules, yet mechanically accepted the decision of SEAC (Respondent No. 2) and rejected the proposal.**

38. It is respectfully submitted that in none of the rejection orders of the Respondents have they informed the Appellant as to how the project is not within the set safety distance parameters. The Respondents are always citing eco-sensitive



area, but have forgotten that the ESZ is about 5.580 Kms. away and there are habitations, townships, industries, commercial establishments, etc. between the ESZ and the project area and it is difficult to fathom how this project alone shall cause damage to the ESZ/Tiger Reserve. The very concept of having ESZ surrounding the Tiger Reserve has not been understood by the Respondents. ESZ acts as a buffer, a protective layer to the existing tiger reserve and no commercial mining is allowed within the ESZ as so notified. Never-the-less Commercial mining can take place outside the established ESZ and time and again it is re-iterated by the Appellant that the project area is about 5.580 Kms. (aerial distance) away from the notified ESZ area and there is no bar to carry out commercial mining activities. In none of the rejection orders have the Respondents cited as to how the project which is such a far distance could impact the ESZ or the Tiger Reserve. Even the State of Tamil Nadu has allowed commercial mining activities beyond 1.00 Km. aerial distance from the ESZ / Tiger Reserve, etc. in Rule 36(1-A)(e) of TNMMC Rules.

39. It is respectfully submitted that the Respondents are always pointing out that (in their rejection orders) the workings are below 15 meters below ground level (bgl), without delineating the impact of the same. The District Survey Report (DSR) prepared as per MoEF&CC Gazette Notification S.O.3611 (E) dated 25.07.2018 has reported the following para in connection with Rough Stone quarrying operations in certain villages incl. Thoppampalayam Village where the project area is located:

"The depth of quarrying in the Charnockite rocks for excavating Rough Stone in the above said villages



varies from 10m to more than 45 metres. As the Charnockite rock is predominantly massive and without joints in nature, the water table has not encountered upto the known depth of 45 metres. Hence, the depth of quarrying of Rough Stones may be allowed 2 meters above the ground water table level. The thickness of the weathered part which occurs over the Charnockite varies from 2m to 5m and it varies from place to place. The weathered part is used as earth fill (locally called as gravel)."

[Emphasis supplied]

The project area of the Appellant is based in predominantly massive Charnockite rock without joints in nature and yet to encounter water table, since the existing depth is just about fifteen (15) Meters bgl. Even the above reported para in DSR is in support of the Appellant.

40. It is respectfully submitted that the Respondents are swayed by non-meritorious reasons and have gone beyond the mandate of the existing laws and are trying to portray as if they are the sole guardians of environment and have totally negated the fact that the Appellant was operating in the said project area earlier for a period of thirteen (13) years and now the approvals are sought only for a period of five (5) years and the Respondents, based on the past track records ought to have recommended the project with additional terms and conditions and strict monitoring by the local authorities viz., DGM, TNPCB, etc. and ought to have imposed a condition of getting the area monitored by any reputed academic institutions viz., IIT Chennai, NIRM, NITK Surathkal, Anna University with respect to emanation of blast induced vibrations and verification of usage of control blasting techniques as reported by the Dept. of Mining Engineering, Anna University in its Scientific Study Report prepared at the

behest of District Collector, Erode District, Tamil Nadu during 2011.

41. It is respectfully submitted that the Respondents have stated that "*the working in the area may lead to erosion, siltation and disturbance to the surrounding environment*" and hence SEIAA (Respondent No. 1) is rejecting the proposal. This is just a figment of imagination, without any scientific basis. There is no evaluation done by Respondents as to how the working may lead to erosion, siltation and disturbance to the surrounding environment on the contrary the Appellant has amply demonstrated and proved that the working in the area shall NOT DISTURB THE SURROUNDING ENVIRONMENT, by operating the quarry in the past for thirteen (13) years in the past. In addition, the Anna University report supports mining carried out by the Appellant. The reason given by the Respondents does not have any scientific basis.

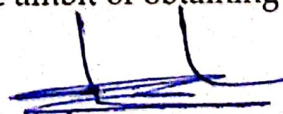
42. It is respectfully submitted that there are no adverse remarks made by the concerned state Dam Safety authorities under the Dam Safety Act, 2021 till date and the Respondents are just raising fabricated reasons with respect to safety of dam always, in all its rejection orders.

43. **Re Para 16 and 17 :** The averments in para 16 and 17 do not have any scientific basis and are not based on any study conducted by any authority. As a matter of fact the only study was conducted by the District Collector of Erode District through the involvement of Dept. of Mining Engineering, Anna University and it is clearly established that the report has come in favour of the Appellant and more-so the study was conducted by Anna University when the quarry was being



operational during 2011 and the Respondents need no better proof than this. Also, in certain hydro-electric projects blasting happens at very close proximity to dams at a distance of about 20.00 meters or less without any harm to the structure stability of dams and the Respondents ought to have verified the same with NIRM and other Govt. agencies viz. CIMFR (Central Institute of Mining and Fuel Research), Dhanbad. In addendum, the Dam is about 3.80 Kms. (aerial distance) from the project area and the Respondents have scientifically failed to establish and prove as to how the operations in the project area shall impact the structure stability of nearby dam. As said earlier it is a mere perception without any basis and can be negated as mere figment of imagination raised by the Respondents.

44. Re Para 18: The averments in Para 18 runs counter to the approvals granted by various state authorities viz., DGM, Revenue officers, District Collector, etc. The Appellant agrees that he does not have a vested right to quarry, but it has indeed become vested right on obtaining NOC from local revenue authorities and on obtaining Precise Area communication from Asst. Director of Geology and Mining and obtaining the mining plan approval from the Asst. Director of Geology and Mining and now the Appellant is before the Respondents pursuant to a Office Memorandum (OM) No. L-11011/47/2011-IA.II(M), dated 18.05.2012 subsequent to the Hon'ble Supreme Court decision in the case of Deepak Kumar vs. State of Haryana & Ors. on 27.02.2012 in I.A. No. 12-13 of 2011 in SLP(C) No. 19628-19629 of 2009 by the MoEF&CC. Till this point in time minor mineral projects with less than 5.00 Hectares of area were outside the ambit of obtaining EC from



MoEF&CC. The Respondents - SEIAA & SEAC cannot put themselves on higher pedestal and deny EC and frustrate quarrying plans of the Appellant. In addendum, the Respondents have time and again raised the issue of obtaining prior approval from NBWL, when as a matter of fact no such prior approval is warranted w.e.f. 19.02.2021 vide MoEF&CC Notification S.O. 788(E), dated 19th February, 2021 r/w OMs F. No. 22-43/2018-IA.III, dated 8th August, 2019 & F. No. 6-60/2020WL Part (I), dated 16 July 2020 superseded by OM FC-11/119/2020-FC, dated 17-05-2022. The Respondents cannot lose sight of the above aspects and cannot construe that owing to these reasons the project was not operational since 2014.

45. Re Para 19: The averments made in this Para are unwarranted and general and vague and are made without any valid basis and ought to be dismissed in limine.

46. Re paras 20: It is not true that the Appellant has not cited any statutory right and judicial precedent. The Respondents have failed to consider that all the local state authorities have approved the project for quarrying activities and the Appellant is now before the Respondents only to obtain EC and nothing more and without having a vested right (post state approvals) the Appellant cannot approach the Respondents towards grant of EC. The act of Respondents is contrary to them being instrumentalities of state as quoted by the Hon'ble Supreme Court in the case of **Food Corporation of India Vs. M/s. Kamdhenu Cattle Feed Industries [(1993) 1 SCC 71]** and anathema to the concept of 'Doctrine of legitimate expectation' propounded by the Hon'ble Supreme Court.

47. Re para 21: The averments made in para 21 are illusory and lack scientific basis. The serious risk presumed by the

Respondents are its mere perception and devoid of any merit and the strong presumption of future violation is not warranted and more-so all the ECs granted by the Respondents come with lot of conditions and with monitoring and reporting mechanisms inbuilt and not recommending the project citing possibility of possible future violation by the Appellant is very pre-mature and no industry or business can grow/thrive and there shall be huge economic ramification to the society.

48. The Appellant respectfully submits that he is the rightful owner of the land (patta land) and wants to continue his mining operations after obtaining all requisite clearances, approvals, permissions etc. and therefore has applied for EC before the Respondents by giving heed to various OMs, Notifications, etc. of MoEF&CC. He is also not a novice in mining operations and has already established his credentials as a complaint miner for over thirteen (13) years with an unblemished track record and nothing more needs to be done by Appellant and rather the Respondents ought to encourage industry by incorporating necessary conditions if the surrounding environment is a cause of concern and this Appellant is ready and willing to comply with the same.

49. The Appellant respectfully submits that he is willing to get additional studies done by reputed academic institutions concerning the safety, effects to the surrounding environment and is willing to abide by any other additional conditions imposed by the Respondents and yet the Respondents are rejecting the proposal on mere perception, conjectures and surmises which warrants interference by this Hon'ble Tribunal.



50. The Appellant respectfully submits that the Respondents have taken various untenable contentions and have taken various objections only with a view to deny the legitimate right available to the Appellant.

51. All other allegations not specifically traversed / admitted are hereby denied.

Therefore, it is humbly prayed that this Hon'ble Tribunal may be pleased to record the above rejoinder and allow the Appeal and thus render justice.


COUNSEL FOR APPELLANT


APPELLANT

VERIFICATION

I, N. Thangavcel, Son of Late Shri. Nagappagounder, aged about 71 years, residing at No.20, Munnal Padai Veerar Colony, Bhavanisagar, Sathyamangalam Taluk, Erode District - 638 451, do hereby verify that the contents of the above paragraphs are true to the best of my personal knowledge and based on legal advice and that I have not suppressed any material fact.

Verified at Sathyamangalam on this the 2nd day of January, 2025.


APPELLANT

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

Appeal No. 44 of 2024 (SZ)

N.Thangavel

... Appellant

Versus

State Level Environment Impact
Assessment Authority (SEIAA),

... Respondents

**REJOINDER FILED BY THE
APPELLANT**

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

COUNSEL FOR APPELLANT

Mobile No. 95000 69660