

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

APPEAL NO. 45 OF 2024 (SZ)

M/s.Stone Trust Enterprises,
Rep. by its Partner Mr.K.P.Mithun Kumar,
7/4, 8th Street, Nandanam Extension,
Chennai - 600 035.

... Appellant

Versus

1. Ministry of Environment, Forest and Climate Change
(MoEF & CC), Rep. by its Secretary (EF & CC),
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
2. State Level Environment Impact Assessment Authority (SEIAA),
Rep. by its Member Secretary,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet, Chennai - 600 015.
3. State Level Expert Appraisal Committee (SEAC),
Rep. by its Chairman,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet, Chennai - 600 015.

For STONE TRUST ENTERPRISES
7/4, 8th Street,
Nandanam
Extension,
Chennai - 600 035
K.P. MITHUNKUMAR
PARTNER

... Respondents

AFFIDAVIT FILED BY THE APPELLANT

I, Mr.K.P.Mithun Kumar, Son of Mr.K.Panneerchelvam, aged about 39 years, having Office at 7/4, 8th Street, Nandanam Extension, Chennai - 600 035, do hereby solemnly affirm and sincerely state as follows:

1. That I am the Partner of M/s. Stone Trust Enterprises, the Appellant herein, and as such I am well acquainted with the facts of the case.
2. That the present Appeal has been filed before this Hon'ble Tribunal challenging the rejection order related to Proposal No. 9641 dated 10.04.2024, issued by the 2nd respondent and seeking for a direction to consider the appellant's proposal and grant Environmental Clearance based on the recommendations of the 3rd respondent (SEAC) made during its 281st meeting concerning application bearing File No. 9040.
3. That contents in the above appeal and the documents filed, may be treated as part and parcel of the present Affidavit.
4. That the present appeal was fixed for final hearing on 12.08.2024, and in the meantime, the 2nd and 3rd respondents have taken arbitrary and deliberate actions against the appellant that undermine the appeal proceedings, which are as follows:-

For STONE TRUST ENTERPRISES
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i. That this Hon'ble Tribunal in Appeal No. 38 of 2023, filed by this Appellant, made detailed observations, specifically addressing File Nos. 6873, 9040, and 9641, vide its order dated 06.02.2024, where this Hon'ble Tribunal, directed the authority to consider the application filed by the Appellant in File No. 9641, based on the factors and documents submitted by the Appellant. However, the 2nd and 3rd respondents did not take these factors into account and again rejected the proposal. Hence, the present appeal (Appeal No. 45 of 2024), had been preferred by the appellant.

ii. That with respect to File No. 9040, a submission was made and recorded by this Hon'ble Tribunal, in the above order, that the said application was withdrawn by the Appellant. However, presently, the status of File No. 9040 remains as **"REFER BACK TO SEAC (Pending)** on the **PARIVESH PORTAL** as on the date of filing this present Appeal No. 45 of 2024, for which the appellant has submitted the relevant documents. Thus, the status of File No. 9040 continues to be Pending and marked as **'Refer back to SEAC'**. That there were no meetings, any proceeding or discussions held by the Committee or Authority, regarding the appellant's withdrawal of File No. 9040, till the date of filing present appeal. If such meetings had taken place, the decision would have been communicated to the appellant. Therefore, the status of File No. 9040 is to be treated as pending.

For **STONE TRUST ENTERPRISES**



iii. That the appellant has filed an appeal before this Hon'ble Tribunal in Appeal No. 45 of 2024, on 08.05.2024 and the matter came up for admission on 05.07.2024. However, before the date of hearing, the 3rd respondent (SEAC) sent an email to the appellant on 03.07.2024, indicating that File No. 9040 would be considered for appraisal during the 475th SEAC meeting scheduled for 12.06.2024, albeit belatedly. However, the final meeting agenda (Revised list) addressed to the consultants, did not list File No. 9040 for the 475th SEAC meeting. As a result, no meeting was held concerning File No. 9040, and no minutes of the 475th meeting were published on the Parivesh Portal with respect to File No. 9040, despite an email was sent in this regard.

iv. Subsequently, on 04.07.2024, the appellant received another email from the 2nd respondent (SEIAA), stating that File No. 9040 would be addressed during the SEIAA 734th meeting on 01.07.2024, based on the discussions of the said 475th SEAC's meeting. However, this email was also sent belatedly. It was later discovered that no meeting addressed to this file was discussed on the specified date, as it was not mentioned in the minutes of the 734th meeting.

v. The reasons for the 2nd and 3rd respondents taking up File No. 9040 and sending belated emails to the appellant after the scheduled



meetings, during the appeal pending before the Hon'ble NGT (SZ), remains unclear and are known only to them.

vi. Subsequently, the 2nd respondent made deliberate changes to the **PARIVESH PORTAL**, showing that File No. 9040 was rejected with a note stating, "**REJECTION LETTER GRANTED.**" However, the rejection letter uploaded was for File No. 9641, dated 11.10.2023, not for File No. 9040. Since no decision regarding File No. 9040 has been made according to the procedures laid by the EIA Notifications, the actions of the 2nd respondent appear intended to misrepresent the status of File No. 9040, avoiding its correct status as **Pending (REFER BACK TO SEAC)** and falsely indicate that a decision was made.

vii. That the 2nd and 3rd respondents are well aware that the decision on each file must be communicated to the concerned proponent, along with the reasons for the decision. If the decision is adverse to the appellant, the appellant is entitled to file an appeal under the provisions of the EIA Notification, 2006. However, the respondents have made contradictory and pendulating decisions pertaining to the File No.9040, for reasons best known to them, without adhering to the provisions of the EIA Notification, thereby depriving the appellant of the opportunity to pursue its legal recourse.

For **STONE TRUST ENTERPRISES**

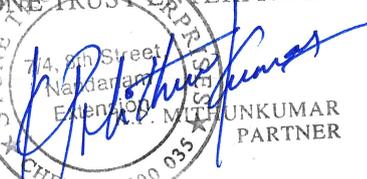


viii. The aforementioned rejection letter, related to File No. 9641 dated 11.10.2023, has already been challenged before this Hon'ble Tribunal in Appeal No.38/2023. The 2nd respondent's actions of uploading an irrelevant rejection order of File No. 9641 to File No. 9040 appear to be willful and an act of retaliation as against the appellant, for challenging its biased orders.

ix. That despite the Hon'ble NGT highlighting the recommendations made by SEAC in File No. 9040; the 2nd and 3rd respondents were unwilling to consider the observations made by this Hon'ble NGT. Though the status of the file was shown '**Pending**' (**Refer back to SEAC**) at the time of filing this appeal and also during the course of the proceedings, the 2nd and 3rd respondents have taken a decision to reject without the knowledge of this Hon'ble Tribunal and the Appellant. This action was done deliberately as an afterthought, despite the proceedings in process and now, the status of file No. 9040 is shown as '**REJECTION LETTER GRANTED**' on the Parivesh Portal with a rejection letter irrelevant to File No. 9040.

x. That when the subject matter is sub judice before this Hon'ble Tribunal, simultaneous actions were taken by the 2nd and 3rd respondents without the knowledge of this Hon'ble Tribunal, which makes it evident that the authority is acting prejudicial to the interest of the Appellant intentionally. The documents related to this issue have been filed as Volume IV to substantiate these claims.

For STONE TRUST ENTERPRISES
74, 8th Street
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Egmore, MUTHUNKUMAR
PARTNER
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5. That this Hon'ble Tribunal, may consider the above conduct of Respondents, acting in violation of the orders of this Hon'ble Tribunal and indulging in pure abuse of the process of the law, evidencing their intention to retaliate against the Appellant and circumvent any adverse order from this Hon'ble Tribunal, and suitable orders may be passed for their high handed conduct.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to record the above statements and allow the Appeal No. 45 of 2024 (SZ) and pass such further or other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Solemnly affirmed at Chennai

On this the 10th day of August, 2024

And put his signature in my presence



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DEPONENT

Before Me
E.Karthikeyan,
Advocate Chennai

**BEFORE THE HON'BLE
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Appeal No. of 2024 (SZ)

M/s. Stone Trust Enterprises
... Appellant

-Versus-

Ministry of Environment Forest and
Climate Change (MoEF & CC),
& 2 Others

... Respondents

Affidavit filed by the Appellant

**M/s. P. KOKILA
KPRIYANKA
B. GIRIJA
K. MOKSHAVATHY
COUNSEL FOR APPELLANT**

(Mobile No.96001 37731)