

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

Appeal No. 45/2024 (SZ)

IN THE MATTER OF: -

M/s Stone Trust Enterprises

...Applicant

Versus

The Ministry of Environment,

Forest and Climate Change and Ors

...Respondent(s)

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Place: Chennai

Dated: 02.08.2024


Advocate for MoEF&CC

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Appeal No. 45/2024

In the Matter of

M/s Stone Trust Enterprises

...Applicant

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The Ministry of Environment,

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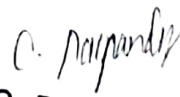
AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,

FOREST AND CLIMATE CHANGE (RESPONDENT No. 1)

MOST RESPECTFULLY SHOWETH:

I, Dr.C. Palpandi S/o Chendurpandi aged about 43 Years, currently working as 'Scientist-D' in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Chennai, do hereby solemnly affirm and state as under:-

1. That I, in my official capacity of 'Scientist-D' in the Ministry of Environment, Forest and Climate Change, Regional Office Chennai 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.


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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 against the order of rejection of the proposal made by the applicant, for quarrying black granite in patta land measuring an extent of 3.03 ha in S.F. Nos. 22/1, 23/1, 2, 24/7, 8, 25/1 and 25/2 of Semmedu Village, Vikravandi Taluk, Villupuram District, Tamil Nadu.
4. That, the Ministry 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 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

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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. It is submitted 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.
7. That, the para 3 of EIA Notification provides procedure for constitution of SEIAA at the State level as under:

"3...State Level Environment Impact Assessment Authority: - (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government

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under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

(6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).

(7) All decisions of the SEIAA shall be unanimous and taken in a meeting... ”

8. It is submitted that vide Notification S.O. No. 146 (E) vide dated, 11.01.2022 the SEIAA Tamilnadu was constituted by the Ministry of Environment Forest and Climate Change for a period of 3 years from the date of issuance of the said Notification. Further, the projects or activities of the Project Proponent falls under category 'B', which requires a prior environmental clearance from the concerned regulatory authority i.e. State Level Expert Appraisal Committees (SEACs) and State Level Environment Impact Assessment Authorities (SEIAAs). A copy of the Notification S.O. No. 146 (E) dated, 11.01.2022 is marked and annexed herein as **ANNEXURE R1/1**.

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9. It is humbly submitted that the State Environment Impact Assessment Authority (SEIAA), Tamil Nadu in its 707th meeting held on 01.04.2024, after detailed discussion accepted the decision held on 446th meeting vide dated 16.02.2024 of State Expert Appraisal Committee (SEAC), Tamil Nadu to reject the proposal for the grant of Environmental Clearance and further decided to request Member Secretary, SEIAA, Tamil Nadu to grant rejection letter to proponent as per 446th SEAC minutes. A true copy of the 707th meeting held on 01.04.2024 is marked and annexed herein as **ANNEXURE R1/2** and a true copy of the 446th meeting dated 16.02.2024 is marked and annexed herein as **ANNEXURE R1/3**.
10. That the Ministry vide notification 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 environment clearances issued by the said Authorities to projects or activities within their jurisdiction. A true copy of the Notification S.O. 637 (E) dated 28.02.2014 is marked and annexed herein as **ANNEXURE R1/4**.

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11. 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 R1/5**.
12. It is respectfully submitted that 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 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 and the State Department of Mines & Geology is the nodal authority in the State for dealing with the allotment of mining leases under the MMDR Act and is entrusted with the enforcement and regulation of mining operations in a state.
13. 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

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Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment Protection Act 1986.

14. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s).

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DEPONENT

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VERIFICATION

Verified at Chennai on this 2nd day of August, 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.

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DEPONENT

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सत्यमेव जयते

भारत का राजपत्र

The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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नई दिल्ली, मंगलवार, जनवरी 11, 2022/पौष 21, 1943
NEW DELHI, TUESDAY, JANUARY 11, 2022 PAUSHA 21, 1943

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 11 जनवरी, 2022

का.आ. 146(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) के अनुसरण में और भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में प्रकाशित भारत सरकार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना सं. का.आ. 5651(अ), तारीख 05 नवंबर, 2018 का अधिक्रान्त करते हुए उन बातों के सिवाय अधिक्रान्त करते हुए जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने का लोप किया गया है राज्य स्तर पर्यावरण ममाघात निर्धारण प्राधिकरण तमिलनाडु (जिसे इसमें इसके पश्चात् प्राधिकरण, तमिलनाडु कहा गया है) का गठन करती है, जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:-

1.	डॉ. एन कृष्णकुमार, आईएफएम (सेवानिवृत्त), जी/3/1, ताईथा एआईएम हाउसिंग कॉम्प्लेक्स नतेसन नगर वेस्ट 3स्ट्रीट विरगमवक्कम, चेन्नई-600092	अध्यक्ष;
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2.	डॉ. एस. गणपति वेक्टरसुब्रमंतन बी-189,5वीं लिंक रोड, अर्नमा आश्रम, मद्रास यूनिवर्सिटी स्टाफ कॉलोनी, पालकाई नगर पलावक्कम, चेन्नई-600041	सदस्य;
3.	पर्यावरण निदेशक, चेन्नई - 600 - 015	सदस्य-मन्त्रि।

2. प्राधिकरण, तमिलनाडु के अध्यक्ष और सदस्य राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए पद धारण करेंगे।
3. प्राधिकरण, तमिलनाडु ऐसी शक्तियों का प्रयोग करेगा और ऐसी प्रक्रिया का अनुसरण करेगा जो उक्त अधिसूचना में विनिर्दिष्ट हैं।
4. प्राधिकरण, तमिलनाडु अपने विनिश्चय तमिलनाडु राज्य के लिए पैरा 5 के अधीन गठित राज्य स्तर विशेषज्ञ अंकन समिति की सिफारिशों के आधार पर अपने विनिश्चय देगा।
5. केन्द्रीय सरकार, प्राधिकरण, तमिलनाडु की सहायता के प्रयोजन के लिए तमिलनाडु राज्य सरकार के परामर्श से राज्य स्तरीय विशेषज्ञ अंकन समिति, (जिसे इस अधिसूचना में इसके पश्चात् एस.ई.ए.सी., तमिलनाडु कहा गया है) का गठन करती है जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:--

1.	श्री के. दीनवंधु, आईएएस (सेवानिवृत्त) 5, राजराजन स्ट्रीट, कलाक्षेत्र कॉलोनी, बेसेंटी चेन्नई-600090	अध्यक्ष;
2.	श्री. के. कुमार, पूर्व जेसीईई, टीएनपीसीवी वीवीसीएल वज्र, फ्लैट नंबर: 12 सी, टॉवर नंबर: 3, सर्विस रोड, नोलंबूर, चेन्नई-600037	सदस्य;
3.	डॉ. वी. गौतम, सहायक प्रोफेसर और प्रमुख, प्रेसीडेंसी कॉलेज भूविज्ञान विभाग, प्रेसीडेंसी कॉलेज (स्वायत्त), चेन्नई-600005	सदस्य;
4.	डॉ. पी. बालमदेश्वरन, सहायक प्रोफेसर, खनन विभाग इंजीनियरिंग कॉलेज ऑफ इंजीनियरिंग गिंडी, अन्ना विश्वविद्यालय, चेन्नई-600025	सदस्य;
5.	श्री. वेलाङ्गन डी, सहायक पर्यावरण अभियंता (सेवानिवृत्त), टीएनपीसीवी एफ आर्ट वी- ब्लॉक, न्यू केमल अपार्टमेंट, 17/3, तिरुवल्लुवर नगर मेन रोड, कीलकट्टुवार्ट, चेन्नई-600117	सदस्य;
6.	डॉ. वी. सेल्वम	सदस्य;

	पूर्व निदेशक, एमएसएसआरएफ 23, थिलाई नटराजर रोड कनागसाबाई नगर, चिदंबरम- 608001	
7.	डॉ. जी. ऐनी जोसेफिन मेल्बम, प्रबंधक (सेवानिवृत्त), टीएनपीसीवी प्लॉट नंबर 59, वेस्ट मेन रोड, बालाजी नगर मदंबक्कम, चेन्नई 600126	सदस्य;
8.	श्री. केएसएसवीपी रेड्डी, आईएफएस (सेवानिवृत्त), सदस्य: सी/902, ताइशा हाउसिंग कॉम्प्लेक्स, नतेसन नगर के पास विरुगंबक्कम चेन्नई 600092	सदस्य;
9.	श्री थंगप्रकाशम, पूर्व सीई, लोक निर्माण विभाग एचआईजी 26/टीएनएचबी अपार्टमेंट, 4" एवेन्यू, इंद्र अगर, अडयार 600020	सदस्य;
10.	डॉ. कुरियन जोसेफ पर्यावरण इंजीनियरिंग के प्रोफेसर पर्यावरण अध्ययन केंद्र, अन्ना विश्वविद्यालय चेन्नई - 600 025	सदस्य;
11.	डॉ. डी. नरसिम्हन सदस्य; एसोसिएट प्रोफेसर (सेवानिवृत्त), 'मद्रास क्रिस्टी' कॉलेज (स्वायत्त)। ताम्बरम 5, संतान लक्ष्मी स्ट्रीट, राजेस्वरी नगर मेलाडयूर, चेन्नई - 600 059	सदस्य;
12.	डॉ. रामसुब्रमण्यम, सदस्य; कार्यकारी निदेशक, राष्ट्रीय एका फाउंडेशन फ्लैट वी-4, एसएन जल गणपति फ्लैट्स 9/4, स्कूल गली रुद्र नगर क्रोमपेट चेन्नई - 600 044	सदस्य;
13.	डॉ. कवि कुमार, प्रोफेसर, मद्रास स्कूल ऑफ इकोनॉमिक्स चेन्नई -600025	सदस्य;
14.	सदस्य सचिव, सदस्य सचिव। तमिलनाडु प्रदूषण नियंत्रण बोर्ड, गिंडी, चेन्नई- 600 032	सदस्य;

6. एस.ई.ए.सी., तमिलनाडु के अध्यक्ष और सदस्य इस अधिमूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए पद धारण करेंगे।
7. एस.ई.ए.सी., तमिलनाडु ऐसी शक्तियों का प्रयोग करेगी और ऐसी प्रक्रियाओं का पालन करेगी जो उक्त अधिमूचना में विनिर्दिष्ट हैं।

8. एस.ई.ए.सी., तमिलनाडु सामूहिक उत्तरदायित्व के सिद्धांत पर काम करेगी और अध्यक्ष प्रत्येक मामले में सर्वसम्मति पर पहुंचने का प्रयास करेगा और यदि सर्वसम्मति पर नहीं पहुंचा जा सकता है तो बहुमत का मत अभिभावी होगा।
9. हितों के टकराव से बचने के लिए-
- क. प्राधिकरण, तमिलनाडु और एसईएसी, तमिलनाडु के अध्यक्ष और सदस्य यह घोषित करेंगे कि वे किस परामर्श संगठन और परियोजना के प्रस्तावक में भी जुड़े हैं;
- ख. प्राधिकरण तमिलनाडु और एसईएसी, तमिलनाडु के अध्यक्ष और सदस्य किसी परियोजना के लिए पर्यावरणीय समाघात निर्धारण (ईआईए) पर्यावरण प्रबंधन योजना की तैयारी के लिए कोई परामर्श या सहयोगी नहीं लेंगे, जो उनके कार्यकाल के दौरान प्राधिकरण, तमिलनाडु और एसईएसी, तमिलनाडु द्वारा मूल्यांकन किया गया; तथा
- ग. यदि पिछले पांच वर्षों में, अध्यक्ष या प्राधिकरण, तमिलनाडु और एसईएसी, तमिलनाडु के किसी भी सदस्य ने किसी परियोजना प्रस्तावक के लिए परामर्श सेवाएं प्रदान की हैं या ईआईए अध्ययन आयोजित किया है, तो उस स्थिति में वे स्वयं को ऐसे समर्थकों द्वारा प्रस्तावित किसी भी परियोजना के मूल्यांकन की प्रक्रिया में प्राधिकरण, तमिलनाडु और एसईएसी, तमिलनाडु की बैठक बचाव करेंगे।
10. तमिलनाडु राज्य सरकार, प्राधिकरण तमिलनाडु और एस.ई.ए.सी., तमिलनाडु के लिए सचिवालय के रूप में कार्य करने के लिए किसी अधिकरण को अधिसूचित करेगी और सभी वित्तीय और संचार तंत्र संबंधी सहायता, जिसके अंतर्गत वास-सुविधा, परिवहन और उनके सभी कानूनी कृत्यों की वास्तविक अन्य सुविधाएं भी हैं, उपलब्ध कराएंगी।
11. प्राधिकरण, तमिलनाडु के अध्यक्ष और सदस्यों तथा एस.ई.ए.सी., तमिलनाडु के अध्यक्ष और सदस्यों की बैठक की फीस, यात्रा भत्ता और मंहगाई भत्ता तमिलनाडु राज्य सरकार के नियमों के अनुसार संदत्त किया जाएगा।

[फा.-आईए3-1/4/2021-आई.ए.।।।]

डॉ. सुजीत कुमार वाजपेई, संयुक्त सचिव,

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 11th January, 2022

S.O. 146(E).—In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India, in the erstwhile Ministry of Environment and Forests, number S.O.1533(E), dated the 14th September, 2006 (hereinafter referred to as the said notification), and in supersession of the notification of the Government of India, in the Ministry of Environment, Forest and Climate Change, number S.O.5651, dated the 5th November, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), except as respects things done or omitted to be done before such supersession, the Central Government hereby constitutes the State Level Environment Impact Assessment Authority, Tamil Nadu (hereinafter referred to as the Authority, Tamil Nadu) comprising of the following Members, namely:-

1	Dr. N. Krishnakumar, IFS (Retired), G/3/1, TAISHA AIS Housing Complex Natesan Nagar West 3 rd Street, Virugambakkam, Chennai-600092	Chairman;
2	Dr. S. Ganapathy Venkatasubramanian B-189, 5 th Link Road, Ammaa Ashram, Madras University Staff Colony, Palkalai Nagar, Palavakkam, Chennai-600041	Member;

3	Director of Environment, Chennai 600 015	Member Secretary.
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2. The Chairman and Members of the Authority, Tamil Nadu shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.
3. The Authority, Tamil Nadu shall exercise such powers and follow such procedures as specified in the said notification.
4. The Authority, Tamil Nadu shall take its decision on the recommendations of the State Level Expert Appraisal Committee constituted under paragraph 5 for the State of Tamil Nadu.
5. For the purpose of assisting the Authority, Tamil Nadu, the Central Government, in consultation with the State Government of Tamil Nadu, hereby constitutes the State Level Expert Appraisal Committee (hereinafter referred to as SEAC), Tamil Nadu comprising of the following Members, namely:-

1	Shri K. Deenabandu, IAS (Retired) 5, Rajarajan Street, Kalakshetra Colony, Besant Nagar, Chennai-600090	Chairman:
2.	Shri. K. Kumar, Former JCEE, TNPCB BBCL Vajra, Flat No:12C, Tower No:3, Service Road, Nolambur, Chennai-600037	Member;
3.	Dr. B. Gowtham, Assistant Professor & Head, Presidency College Department of Geology, Presidency College(Autonomous), Chennai-600005	Member;
4.	Dr. P. Balamadeswaran, Assistant Professor, Department of Mining Engineering College of Engineering Guindy, Anna University, Chennai-600025	Member;
5.	Shri. Velazhagan D, Assistant Environmental Engineer (Retired), TNPCB F1B- Block, New castle apartment, 17/3, Thiruvalluvar Nagar Main Road, Keelkattalai, Chennai-600117	Member;
6.	Dr. V. Selvam Former Director, MSSRF 23, Thillai Natarajar Road Kanagasabai Nagar, Chidambaram -608001	Member,
7.	Dr. G. Anne Josephine Selvam, Manager (Retired), TNPCB Plot No.59, West Main Road, Balaji Nagar, Madambakkam, Chennai 600126	Member;
8.	Shri. K.S.S.V.P. Reddy, IFS (Retired), C/902, TAISHA Housing Complex, Near Natesan Nagar, Virugambakkam, Chennai-600092	Member;
9.	Shri R. Thangaprakasam, Former CE, Public Works Department HIG 26/TNHB Apartments, 4 th Avenue, Indra Nagar, Adyar 600020	Member;
10.	Dr. Kurian Joseph, Professor of Environmental Engineering Centre of Environmental Studies, Anna University, Chennai-600025	Member;
11.	Dr. D. Narasimhan Associate Professor (Rtd), Madras Christian college (Autonomous), Tambaram	Member;

	5. Santhana Lakshmi Street, Rajeswari Nagar, Selaiyur, Chennai – 600 059.	
12.	Dr. Ramasubramaniam, Executive Director, National Aqua Foundation Flat B-4, Sri Jal Ganapathy Flats, 9/4, School Street, Radhanagar, Chromepet, Chennai-600044	Member.
13.	Dr. Kavi Kumar, Professor, Madras School of Economics Chennai-600025	Member.
14.	Member Secretary, Tamil Nadu Pollution Control Board, Guindy, Chennai- 600 032	Member Secretary.

6. The Chairman and Members of SEAC, Tamil Nadu shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.
7. The SEAC, Tamil Nadu shall exercise such powers and follow such procedures as specified in the said notification.
8. The SEAC, Tamil Nadu shall function on the principle of collective responsibility and the Chairman shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.
9. In order to avoid any conflict of interest
 - a. the Chairman and Members of the Authority, Tamil Nadu and SEAC, Tamil Nadu shall declare as to which consulting organisation they have been associated with and also the project proponents;
 - b. the Chairman and Members of the Authority, Tamil Nadu and SEAC, Tamil Nadu shall not undertake any consultation or associate with preparation of Environmental Impact Assessment (EIA) Environment Management Plan for a project, which is to be appraised by the Authority, Tamil Nadu and SEAC, Tamil Nadu during their tenure; and
 - c. if in the past five years, the Chairman or any of the Members of the Authority, Tamil Nadu and SEAC, Tamil Nadu have provided consultancy services or conducted EIA studies for any project proponent, in that event they shall recuse themselves from the meeting of the Authority, Tamil Nadu and SEAC, Tamil Nadu in the process of appraisal of any project being proposed by such proponents.
10. The Government of Tamil Nadu shall notify an agency to act as Secretariat for the Authority, Tamil Nadu and SEAC, Tamil Nadu and the Secretariat shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of all their statutory functions.
11. The sitting fee, travelling allowances and dearness allowances to the Chairman and Members of the Authority, Tamil Nadu and SEAC, Tamil Nadu shall be paid as per the rules of the State Government of Tamil Nadu.

[F. No. IA3-1/4/2021-IA.III]

DR. SUJIT KUMAR BAJPAYEE, Jt. Secy.


			Upon receipt of the above mentioned details, further deliberations shall be done.
33.	Proposed Black Granite (Dolerite) quarry lease over an extent of 3.06.0 Ha in S.F.Nos 22/1, 23/1, 2, 24/7, 8, 25/1 and 25/2 of Semmedu Village, Vikravandi Taluk, Viluppuram District, Tamil Nadu by M/s. Stone Trust Enterprises – for Environment Clearance. (SIA/TN/MIN/409964/2022)	9641	After detailed discussion, the authority noted as follows: 1. Earlier, the subject was placed in the 704 th authority meeting held on 18.03.2024. The authority noted that the subject was appraised in the 446 th SEAC meeting held on 16.02.2024. After a long deliberation, based on the presentation and documents furnished by the project proponent, the SEAC carefully examined the case and decided not to recommend the proposal for the grant of Environmental Clearance citing the following reasons: i. The proposed project site is abetting the major water tank which has larger capacity and the project will adversely impact the storage capacity of the tank and thereby affecting the irrigation and livelihood of the local people of the downstream. ii. The proposed project site is located within the catchment area of the abetting major water tank and thereby affects the Ayakkattu of the nearby surrounded agriculture fields. iii. Due to this mining activity, it will disturb the natural streams, water pollution due to the discharge of mine pit water and the source of water to the water tank located in the downstream.



MEMBER SECRETARY



MEMBER



CHAIRMAN
SEIAA-TN


- iv. Due to dumping of mining waste into the waterbody, it will adversely affect the holding capacity (size of the water tank) apart from causing the water pollution as huge quantity of waste / reject blocks anticipated from this quarry and affects the safety features of the existing water tank.
- v. During heavy/excess rain, there is a possibility of tank water flooding into the mine pit and thereby affects the holding capacity of the water tank & safety of the men and machinery depolyed.
- vi. Due to this mining activity, flora and fauna will be affected.

2. Meanwhile, the project proponent (M/s. Stone Trust Enterprises) has given his representation before SEIAA for consideration of the said proposal vide his letter dated 22.02.2024. Further the project proponent has furnished representation to SEIAA along with the reply furnished to the points for rejection of the proposal mentioned in the minutes of 446th SEAC meeting vide his letter dated 18.03.2024.

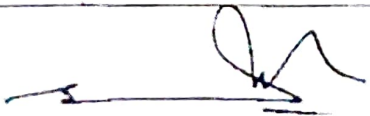
3. The Project Proponent representation was placed in the 704th authority meeting held on 18.03.2024. During the meeting, the Authority decided to call the Project Proponent for Personal Hearing on 27.03.2024 in the O/o. SEIAA-TN, Chennai. In view of the above, the Authority decided to request the Member Secretary, SEIAA-TN to communicate the


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		<p>personal hearing date, time and venue to the project proponent.</p> <p>4. A letter dated 20.03.2024 was communicated to the project proponent regarding personal hearing.</p> <p>5. Based on the above, Personal Hearing was conducted by SEIAA with the Project Proponent on 27.03.2024. During the Personal Hearing, it is clear that the points placed by the Project Proponent were already placed before 446th SEAC meeting held on 16.02.2024.</p> <p>Hence, after discussions, the Authority accepted the decision of SEAC, rejected the proposal for the grant of Environmental Clearance citing the following reasons in addition to the above.</p> <ol style="list-style-type: none"> 1. The proposed mining activity will disturb environment of the area through change of landscape, flora & fauna and habitat features of the area, surface drainage and change in soil quality and thereby affect the ecology and environment. 2. The proposed mining activity will affect the quality of the water tank which is located in the downstream. 3. Pollution of water in the surrounding water bodies due to leaching from overburden dumps and due to the pollutants from the other activities. This will affect the aquatic ecology of these water body. 4. Due to the proposed mining activity, environment safety and security will be affected.
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			In view of the above, the Authority decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per 446 th SEAC minutes. Further, Authority decided to close and record this proposal.
34.	Proposed Rough Stone Quarry lease over an extent of 1.00.0 Ha (Govt. Poramboke Land) in S.F.No. 399/1 (Part-B) of Kallukkurukki Village, Krishnagiri Taluk, Krishnagiri District, Tamil Nadu by Thiru. V. Rajesh, – For Terms of Reference. (SIA/TN/MIN/431128/2023)	10082	<p>The authority noted the following:</p> <p>i) The proponent, Thiru.V.Rajesh submitted an application seeking Terms of Reference vide Proposal No. SIA/TN/MIN/431128/2023 dated.27.05.2023 for quarrying rough stone over an extent of 1.00. Ha in Govt. Poramboke Land at S.F.No. 399/1 (Part-B) in Kallukkurukki Village, Krishnagiri Taluk, Krishnagiri District, Tamil Nadu.</p> <p>ii) Subsequently, ToR was issued to the project proponent vide Lr.No.SEIAA-TN/F.No.10082/SEAC/ToR-1510/2023 dated.01.08.2023.</p> <p>iii) Now, the proponent vide letter dated.28.03.2024 has submitted a request to withdraw the ToR dated.01.08.2023 for the reasons stated therein.</p> <p>iv) The withdrawal request of proponent is placed in this 707th authority meeting.</p> <p>The authority, after discussions, decided to forward the request of the proponent to SEAC for seeking remarks.</p>



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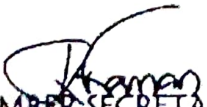

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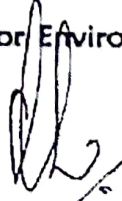
2. The PP shall carry out the required number of plantations as committed in the EMP around the periphery of the lease boundary without deviation before the execution of the lease.
3. The PP shall ensure the safety provisions as stipulated in the DGMS Circular No:02, dated. 29.11.2019 while using the Diamond Wire Saw machines in the proposed quarry operation.
4. The PP shall adopt only non-explosive technique (Rock Breaking Compounds) for the fracturing of granite blocks ensuring the eco-friendly mining operation in the proposed quarry.
5. To ensure the conditions of occupational safety, health & welfare status of persons working in the mine, the PP shall annually conduct occupational health survey to determine prevalence of Noise Induced Hearing Loss (NIHL) due to the operation of Diamond Wire Saw cutting & other HEMMs deployed in the mine and to prepare a plan for hearing conservation programme by involving anyone of the reputed institutes - Regional Occupational Health Centre (Southern) of ICMR-National Institute of Occupational Health, Bengaluru, National Institute of Miners' Health, Nagpur and Anna University, Chennai.
6. The PP shall properly provide all the required welfare amenities near quarry such as Drinking water, Rest Shelter, Canteen, Toilets, etc for the persons to be employed in the proposed quarry before the execution of lease, in accordance with the provisions of the Mines Rules, 1955.
7. As accepted by the Project Proponent the Mitigation/Conservation cost of Rs. 5 Lakhs shall be spent for the Cauvery North Wildlife Sanctuary before obtaining CTO from TNPCB.

Agenda No: 446-17

(File No: 9641/2022)

Proposed Black Granite (Dolerite) quarry lease over an extent of 3.06.0 Ha in S.F.Nos 22/1, 23/1, 2, 24/7, 8, 25/1 and 25/2 of Semmedu Village, Vikravandi Taluk, Viluppuram District, Tamil Nadu by M/s. Stone Trust Enterprises – for Environment Clearance. (SIA/TN/MIN/409964/2022, Dated: 13.12.2022)

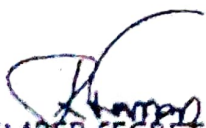

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The proposal was placed in this 446th meeting of SEAC held on 16.02.2024. The details of the project furnished by the proponent are available in the website (parivesh.nic.in).

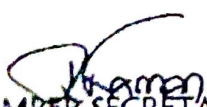
The SEAC noted the following:

1. The Project Proponent, M/s. Stone Trust Enterprises has applied for Environmental Clearance for the proposed Black Granite (Dolerite) quarry lease over an extent of 3.06.0 Ha S.F.Nos. 22/1, 23/1, 2, 24/7, 8, 25/1 and 25/2, of Semmedu Village, Vikravandi Taluk, Viluppuram District, Tamil Nadu.
2. The project/activity is covered under Category "B2" of Item 1(a) "Mining Projects" of the Schedule to the EIA Notification, 2006.
3. M/s. Stone Trust Enterprises earlier applied seeking Environment Clearance (File No. 6873 and Online Proposal No. SIA/TN/MIN/37020/2019 dated: 25.06.2019) for the Proposed Black Granite (Dolerite) quarry lease over an extent of 3.06.0 Ha in S.F.Nos 22/1, 23/1, 2, 24/7, 8, 25/1 and 25/2 of Semmedu Village, Vikravandi Taluk, Viluppuram District, Tamil Nadu. The subject was placed before the then Committee in its 136th meeting held on 21.09.2019. SEAC decided not to recommend for issue of Environmental Clearance for the project since the project site is abetting the water tank which has large capacity and the project will adversely impact the storage capacity of the tank and thereby affecting the irrigation and livelihood of the local people of the downstream. Hence SEAC collectively decided that the project is not recommended.
4. Suppressing the said facts to SEIAA and SEAC, the Proponent has applied again for the same project (File No. 9040 and Online Proposal No. SIA/TN/MIN/256739/2022 dated: 15.02.2022) and the proposal was recommended by this Committee in its 281st meeting held on 03.06.2022. Subsequently the subject was placed before the Authority in its 527th meeting held on 01.07.2022 and it was referred back by the Authority for the reasons stated below:



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- i. There is a water body and patch of trees close to the project site. Hence the project proponent shall furnish the study report on impact of the proposed mining on the said water body and the tree patch.
- ii. Detailed study shall be carried out in regard to impact of mining around the proposed mine lease area from a reputed research institutions on the following
 - a) Soil health & bio-diversity.
 - b) Climate change leading to Droughts, Floods etc.
 - c) Pollution leading to release of Greenhouse gases (GHG), rise in Temperature, & Livelihood of the local people.
 - d) Possibilities of water contamination and impact on aquatic ecosystem health.
 - e) Agriculture, Forestry & Traditional practices.
 - f) Hydrothermal/Geothermal effect due to distraction in the Environment.
 - g) Bio-geochemical processes and its foot prints including environmental stress.
 - h) Sediment geochemistry in the surface streams.
- iii. Hydro-geological study considering the contour map of the water table detailing the number of ground water pumping & open wells, and surface water bodies such as rivers, tanks, canals, ponds etc. within 1 km (radius) so as to assess the impacts on the nearby waterbodies due to mining activity. Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided, covering the project life (or) subject to a maximum of thirty years, whichever is earlier.
- iv. To furnish disaster management plan and disaster mitigation measures in regard to all aspects to avoid/reduce vulnerability to hazards & to cope with disaster/untoward accidents in & around the proposed mine lease area due to the proposed method of mining activity & its related activities.


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- v. To furnish risk assessment and management plan including anticipated vulnerabilities during operational and post operational phases of Mining.
 - vi. Detailed Mine Closure Plan covering the project life (or) subject to a maximum of thirty years, whichever is earlier.
 - vii. Detailed Environment Management Plan including mitigation & remedial strategies covering the project life (or) subject to a maximum of thirty years, whichever is earlier.
5. When the subject was listed for discussion in 304th meeting of SEAC held on 20.08.2022, the EIA Coordinator informed the Committee that the Proponent has requested for withdrawal of the application and submitted the withdrawal request vide PARIVESH. Hence the subject was not taken up by the Committee for re-appraisal.

Subsequently, the Proponent vide letter dated 02.09.2022, stated that about 8 nos. of hydrogeological studies have been carried out in the past three years for the project and he has requested for reconsideration of the proposal. Hence the subject was placed before the Authority during its 551st meeting held on 19.09.2022 and 559th meeting held on 15.10.2022 to decide on further course of action. The Authority decided to seek Committee's opinion on the withdrawal requested via PARIVESH and the Proponent's letter dated 02.09.2022 seeking reconsideration of the Project.

Hence the subject was placed in the 322nd meeting of SEAC held on 19.10.2022. After detailed deliberations, the SEAC decided to withdraw the recommendation already made in the 281st meeting held on 03.06.2022 and endorse the decision taken by the previous Committee in its 136th meeting held on 21.09.2019 and to call for the following:

- i) SEIAA may call for the explanation of the dealing Engineer for having accepted an already rejected proposal and for not disclosing the history of the case to SEAC.
- ii) SEIAA may call for an explanation of the EIA Coordinator for deliberately hiding the facts regarding the history of the project proposal to the Committee during appraisal.


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Subsequently, the subject was placed in the 567th Authority meeting held on 07.11.2022 & 08.11.2022. The Authority noted that the SEAC decided to withdraw the recommendation already made in the 281st meeting held on 03.06.2022 and endorse the decision taken by the previous Committee in its 136th meeting held on 21.09.2019 and to call for the following:

- i) SEIAA may call for the explanation of the dealing Engineer for having accepted an already rejected proposal and for not disclosing the history of the case to SEAC.
- ii) SEIAA may call for an explanation of the EIA Coordinator for deliberately hiding the facts regarding the history of the project proposal to the Committee during appraisal.

The Authority, after detailed deliberations, decided to request the Member Secretary, SEIAA TN the following:


- i) To call for explanation as recommended by the SEAC.
- ii) To call for explanation from the proponent for having applied for EC for an already rejected proposal and not disclosing the facts regarding the history of the project proposal to the Committee during appraisal.

6. The PP submitted requisition letter dated 30.06.2023 along with copy of the Hon'ble High Court of Madras Order dated 12.06.2023 in W.P. 17246 of 2023 stated as follows:

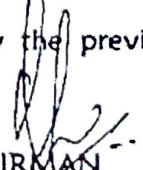
"Taking into consideration the limited relief sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's application bearing file No.9641 dated 13.12.2022 on its own merits and in accordance with law and appropriate orders shall be passed within a period of three months from the date of receipt of a copy of this order."

7. The subject was placed in the 636th Authority meeting held on 10.07.2023. After detailed discussion, the Authority decided to forward the proposal to SEAC to look into the order dated 12.06.2023 passed by Hon'ble High Court of Madras in W.P. 17246 of 2023.

8. The proposal was placed in the 404th meeting of SEAC held on 25.08.2023. The SEAC noted that, already a decision has been taken by the previous


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Committee in its 136th meeting held on 21.09.2019. The Hon'ble High Court has directed the Authority to consider the application freshly filed. SEAC carefully examined the case and decided that the PP was dishonest in not disclosing the earlier decision of the Authority to deny EC to his proposal based on the recommendation of SEAC. Now again, the PP has made afresh application for the same proposal, albeit disclosing the history. None of the parameters based on which the EC was denied has changed. Further, reopening already decided cases based on fresh applications would be inappropriate and would lead to PPs filing fresh applications repeatedly till EC is granted. SEAC, therefore, decided that there would be no change in the recommendation already made.

9. The subject was placed in the 655th authority meeting held on 19.09.2023. The authority noted that the subject was appraised in the 404th SEAC meeting held on 25.08.2023.

The Authority, after discussions, accepted the decision of SEAC, rejected the proposal and decided to request Member Secretary, SEIAA-TN to grant rejection letter to proponent as per 404th SEAC minutes. Further, Authority decided to close and record this proposal.

10. Rejection Letter was granted to the proponent vide Letter No. SEIAA-TN/F.No.9641/2023 dated: 11.10.2023.

11. Further, the proponent has filed an Appeal petition in the Hon'ble National Green Tribunal, Southern Zone, Chennai vide Appeal No. 38 of 2023.

Subsequently, the Hon'ble National Green Tribunal, Southern Zone has passed the Order on 06.02.2024 stated as below.

"14. In the instant case, even if there were any doubts, the SEAC ought to have communicated to the appellant and discussed the same. However without doing so, the impugned order is passed and naming the appellant as 'dishonest' is biased, unreasonable and unfounded. Such an approach of the SEIAA is unwarranted. Hence, the usage of the word 'dishonest' in the impugned order is specifically expunged.


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15. *As the impugned order has been passed based on the decision taken by the previous committee in its 136th meeting held on 21.09.2019 apparently there is no appraisal done afresh based on the proposal dated 13.12.2022. Therefore, it would be appropriate to set aside the impugned order dated 13.12.2022 passed by SEIAA and the same is remitted back to SEIAA for fresh consideration of the proposal no. 9641 dated 13.12.2022 afresh after according an opportunity of personal hearing to the appellant within a period of 04 weeks without influenced by any of the comments made in this order."*

12. Based on the Order dated 06.02.2024 passed by the Hon'ble National Green Tribunal, Southern Zone, Chennai in Appeal No. 38 of 2023, the subject was placed in the 692nd authority meeting held on 07.02.2024.

In view of the above, the Authority after detailed deliberations decided to forward the court direction to SEAC for further course of action and direction.

The SEAC noted that the Hon'ble National Green Tribunal has directed the Authority to consider the proposal afresh after according an opportunity of personal hearing to the appellant within a period of 04 weeks without influenced by any of the comments made in this order.

In the meeting, the SEAC has given an opportunity to the proponent to express his views.

During the meeting, the proponent has stated the following.

"The proponent has invested significantly in this project, and it is their first project. The proponent has stated that they will adopt eco-friendly quarrying techniques in accordance with the environmental rules and regulations."

During the deliberations, the SEAC has clearly taken a note of the following significant comments made by the Apex Court and NGT during the disposition of few cases as given below:

1. In the case of Fomento Resorts & Hotels Limited v. Minguel Martins, In paragraphs 53 to 55 and 65, the Apex Court held thus


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"The public trust doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes.

The heart of the public trust doctrine is that it imposes limits and obligations upon government agencies and their administrators on behalf of all the people and especially future generations. For example, renewable and non-renewable resources, associated uses, ecological values or objects in which the public has a special interest (i.e. public lands, waters, etc.) are held subject to the duty of the State not to impair such resources, uses or values, even if private interests are involved


The public trust doctrine is a tool for exerting long established public rights over short-term public rights and private gain. Today every person exercising his or her right to use the air, water, or land and associated natural ecosystems has the obligation to secure for the rest of us the right to live or otherwise use that same resource or property for the long-term and enjoyment by future generations

We reiterate that natural resources including forests, water bodies, rivers, seashores, etc. are held by the State as a trustee on behalf of the people and especially the future generations. These constitute common properties and people are entitled to uninterrupted use thereof.


2. In *M.C. Mehta v. Union of India* [(1987) 4 SCC 463] this Apex Court held as under:

It is the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures. The —Precautionary Principle makes it mandatory for the State Government to anticipate, prevent and attack the causes of environment degradation. We have no hesitation in holding that in order to protect the two lakes from environmental degradation it is necessary to limit the construction activity in the close vicinity of the lakes.

They play an important role in maintaining and restoring the ecological balance. They act as sources of drinking water, recharge ground water,


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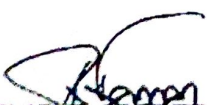
control floods, support biodiversity, and provide livelihood opportunities to a large number of people.

Rule 4(v) of the Wetland Conservation and Management Rule, 2017 states that any construction of the permanent nature within specified distance of the high flood level is prohibited. It is further provided that the wet land shall be conserved and managed in accordance with the principles of wise use as determined by the wet land authority.

3. While disposing the Original Application No. 325 of 2015 vide order dated 18.11.2020, the Tribunal, while dealing with restoration of water bodies observed as follows:

"The protection of water bodies not only add to availability of water for different purposes, it also contributes to recharge of ground and maintaining e-flow in the rivers, is congenial to micro climate in sub-watersheds as well as enhancing the natural aesthetics. While the rain water harvesting is certainly important, harvesting surplus water during excessive rains from any areas of catchment needs to be optimized by enhancing the capacity of the existing ponds/water bodies, creation of water harvesting structures in the sub-watersheds to the extent possible, apart from setting up of additional water bodies/water harvesting structures wherever viable.

4. Ancient poet Rahim said: *"Water is most important. As without water, there is no wealth (pearls), life or earth"*.
5. Interestingly, in Jagpal Singh (supra), the Apex Court with pains recorded that *'our ancestors were not fools'. They knew that in certain years, there may be droughts or water shortages for some other reasons, and water was also required for cattle to drink and bathe in etc. Hence they built a pond attached to every village, a tank attached to every temple etc. These were their traditional rain water harvesting methods, which, served them for thousands of year...."*
6. The reliance has been placed by the learned counsel on Susetha vs. State of Tamilnadu decided on 08.08.2006 by Hon'ble Supreme Court of India. Appeal


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(Civil) No. 3418 of 2006 (AIR 2006 SC 2893). The relevant portion are quoted below:


".... Concededly, the water bodies are required to be retained. Such requirement is envisaged not only in view of the fact that the right to water as also quality life are envisaged under Article 21 of the Constitution of India, but also in view of the fact that the same has been recognized in Articles 47 and 48-A of the Constitution of India. Article 51-A of the Constitution of India furthermore makes a fundamental duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wild life...."

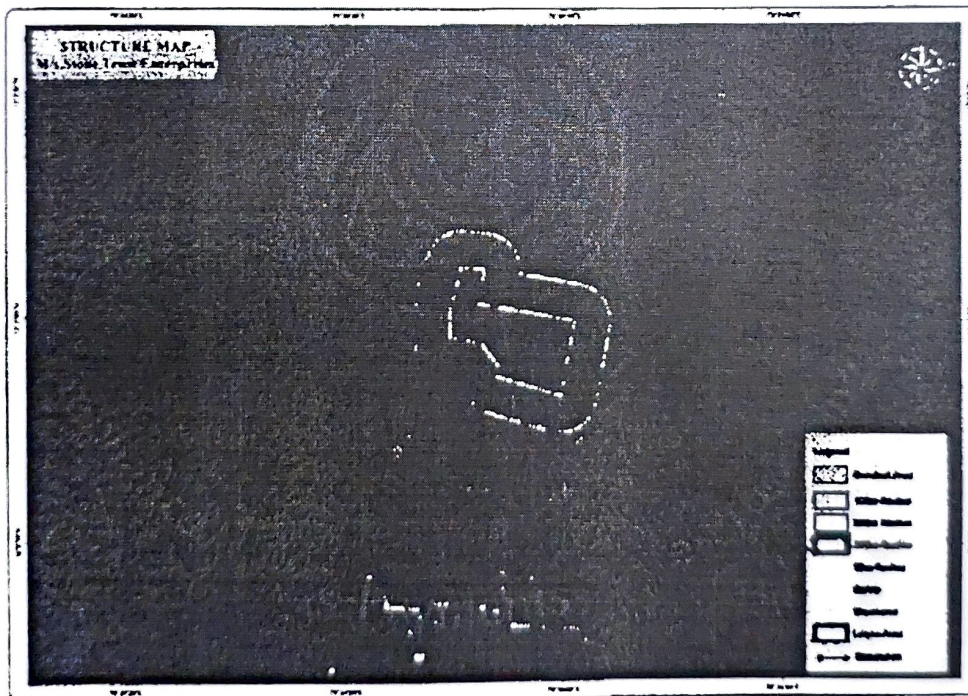
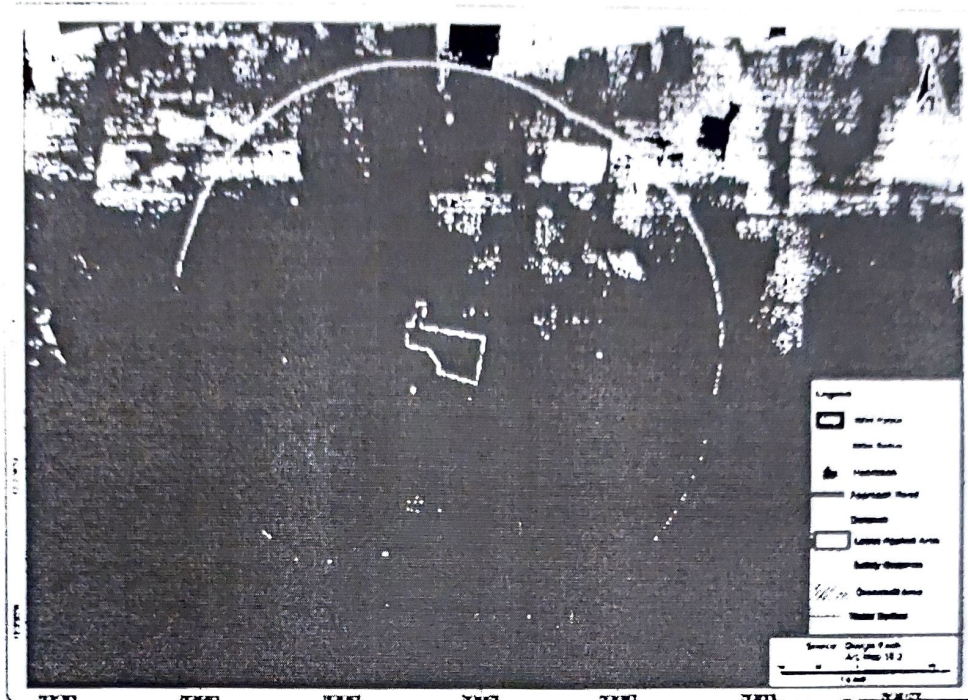
Finally, after a long deliberation, based on the presentation and documents furnished by the project proponent, the SEAC carefully examined the case and decided not to recommend the proposal for the grant of Environmental Clearance citing the following reasons:

1. The proposed project site is abetting the major water tank which has larger capacity and the project will adversely impact the storage capacity of the tank and thereby affecting the irrigation and livelihood of the local people of the downstream.
2. The proposed project site is located within the catchment area of the abetting major water tank and thereby affects the Ayakkattu of the nearby surrounded agriculture fields.
3. Due to this mining activity, it will disturb the natural streams, water pollution due to the discharge of mine pit water and the source of water to the water tank located in the downstream.
4. Due to dumping of mining waste into the waterbody, it will adversely affect the holding capacity (size of the water tank) apart from causing the water pollution as huge quantity of waste / reject blocks anticipated from this quarry and affects the safety features of the existing water tank.
5. During heavy/excess rain, there is a possibility of tank water flooding into the mine pit and thereby affects the holding capacity of the water tank & safety of the men and machinery depolyed.
6. Due to this mining activity, flora and fauna will be affected.


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Google Earth images showing the proposed project site and the abetting water tank

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असाधारण

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भाग II—खण्ड 3—उप-खण्ड (ii)
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नई दिल्ली, मंगलवार, मार्च 4, 2014/फाल्गुन 13, 1935

No. 545]

NEW DELHI, TUESDAY, MARCH 4, 2014/PHALGUNA 13, 1935

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 28 फरवरी, 2014

का.आ. 637(अ).—केंद्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम की धारा 5 के अधीन इसमें निहित शक्तियों को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (3) के अधीन केंद्रीय सरकार द्वारा गठित किए गए सभी राज्य और संघराज्यक्षेत्र पर्यावरण समाघात प्राधिकरणों (जिन्हें इसमें इसके पश्चात् उक्त प्राधिकरण कहा गया है) को उक्त प्राधिकरणों द्वारा अपनी अधिकारिता के भीतर परियोजनाओं या क्रिया कलापों को जारी पर्यावरण अनापत्तियों की शर्तों के अतिक्रमण की दशा में परियोजना प्रस्तावकों को कारण बताओ नोटिस जारी करने तथा इस शर्त के अधीन कि केंद्रीय सरकार शक्तियों के ऐसे प्रत्यायोजन का प्रतिसंहरण कर सकेगी या उक्त अधिनियम की धारा 5 के उपबंधों को स्वयं अवलंब ले सकेगी, यदि केंद्रीय सरकार की राय में लोक हित में ऐसी कार्यवाही आवश्यक है, यदि अपेक्षित हो तो अतिक्रमणों के लिए उक्त परियोजना प्रस्तावकों को ऐसी पर्यावरण अनापत्तियों को उन्हें प्राम्थगित रखने या वापस लिए जाने हेतु निदेश जारी करने की शक्तियों का प्रत्यायोजन करती है।

[सं. जे-11013/2/2013-आई ए (आई)]

अजय त्यागी, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 28th February, 2014

S.O. 637(E).—In exercise of the powers conferred by section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby delegates the powers vested in it under section 5 of the said Act to all the State and Union Territory Environment Impact Assessment Authorities (Hereinafter referred to as the said Authorities) constituted by the Central Government under sub-section (3) of section 3 of Environment (Protection) Act, 1986, to issue show cause notice to project proponents in case of violation of the conditions of the environment clearances issued by the said Authorities to projects or activities within their jurisdiction and to issue directions to the said project proponents for keeping such environment clearances in abeyance or withdrawing them, if required, for violations, subject to the condition that the Central Government may revoke such delegations of powers or may itself invoke the provisions of section 5 of the said Act, if in the opinion of the Central Government such a Course of action is necessary in the public interest.

[No. J-11013/2/2013-IA. (I)]

AJAY TYAGI, Jt. Secy.

अधिसूचना

नई दिल्ली, 28 फरवरी, 2014

का.आ. 638(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 19 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त की धारा के प्रयोजन के लिए इससे उपाबद्ध उम मारणी के स्तंभ (3) में उनमें से प्रत्येक के सामने उल्लिखित अधिकारिता के साथ उस सारणी के स्तंभ (2) में उल्लिखित प्राधिकरण या अधिकारी को प्रातिकृत करती है:

सारणी

क्रम संख्यांक	प्राधिकरण/अधिकारी	अधिकारिता
(1)	(2)	(3)
1.	पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन केंद्रीय सरकार द्वारा गठित राज्य या संघ राज्यक्षेत्र स्तर पर्यावरण समाघात प्राधिकरण (एस.ई.आई.ए.ए.)	संपूर्ण राज्य या संघ राज्यक्षेत्र
2.	पर्यावरण और वन मंत्रालय (एम.ओ.ई.एफ.) के किन्हीं प्रादेशिक कार्यालयों में तैनात कोई निदेशक, वन संरक्षक या अपर प्रधान मुख्य वन संरक्षक	पर्यावरण और वन मंत्रालय द्वारा यथा-विनिश्चित प्रादेशिक कार्यालय की अधिकारिता

[सं. जे-11013/2/2013-आई ए (आई)]

अजय त्यागी, संयुक्त सचिव

NOTIFICATION

New Delhi, the 28th February, 2014

S.O. 638(E).—In exercise of the powers conferred by clause (a) of section 19 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby authorises the Authority or officer mentioned in column (2) of the Table hereto for the purpose of the said section with the jurisdiction mentioned against each of them in column (3) of that Table:

TABLE

S. No.	Authority/Officer	Jurisdiction
(1)	(2)	(3)
1.	State or Union Territory level Environment Impact Assessment Authority (SEIAA) constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.	Whole of State or Union Territory
2.	Any Director, Conservator of Forests or Additional Principal Chief Conservator of Forests Posted in any of the Regional Offices of the Ministry of Environment and Forests (MoEF).	Jurisdiction of the Regional Office as decided by the Ministry of Environment and Forests

[No. J-11013/2/2013-IA. (I)]

AJAY TYAGI, Jt. Secy.



सत्यमेव जयते

भारत का राजपत्र

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सं. 1795]
No. 1795]

नई दिल्ली, बुधवार, अप्रैल 20, 2022/चैत्र 30, 1944
NEW DELHI, WEDNESDAY, APRIL 20, 2022/CHAITRA 30, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 20 अप्रैल, 2022

का.आ. 1886(अ).—केंद्रीय सरकार पर्यावरण और वन विभाग के पूर्ववर्ती मंत्रालय में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा (3) की उप-धारा (1) और उप-धारा (2) के खंड (v) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण समाघात निर्धारण अधिसूचना, 2006 (जिसे इसमें इसके पश्चात ईआईए अधिसूचना, 2006 कहा गया है), परियोजनाओं की कतिपय प्रवर्ग के लिए पूर्व पर्यावरणीय मंजूरी आजापक बनाने के लिए, संख्या का.आ.1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की है।

और राज्य पर्यावरण समाघात निर्धारण प्राधिकरण (एसईआईए) का गठन प्रवर्ग ख के अधीन सभी प्रस्तावों के लिए पर्यावरण मंजूरी (ईसी) पर विचार और अनुदान के लिए प्रत्यायोजित शक्तियों का प्रयोग करने हेतु राज्य स्तर पर ईआईए अधिसूचना, 2006 के कार्यान्वयन के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (3) के अधीन किया गया है;

और राज्य पर्यावरण समाघात निर्धारण प्राधिकरण ने पर्यावरण मंजूरी मूल्यांकन प्रक्रिया में पिछले पंद्रह वर्षों में पर्याप्त अनुभव प्राप्त किया है और राज्य स्तर पर पर्यावरण मंजूरी प्रस्तावों के कुशल और पारदर्शी निपटान के लिए परिवेश पोर्टल के माध्यम से पूरी तरह से ऑनलाइन कर दिया गया है;

और केंद्रीय सरकार राज्य स्तर पर मंजूरी की प्रसुविधा के लिए पर्यावरण मंजूरी प्रक्रिया को और विकेंद्रीकृत करना आवश्यक समझती है;

और आज की तारीख में, सुरक्षा भागीदारी के महत्वपूर्ण तत्वों के साथ राष्ट्रीय रक्षा और सामरिक महत्व से संबंधित प्रवर्ग ख की परियोजनाओं का राज्य स्तर पर भी मूल्यांकन किया जा रहा है, जिसे केंद्रीय सरकार राष्ट्रीय सुरक्षा चिन्ताओं को ध्यान में रखते हुए केंद्रीय रूप से मूल्यांकन करना आवश्यक समझती है;

अतः अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त नियमों के नियम 5 के उप-नियम (3) के खंड (क) के अधीन नोटिस की अपेक्षा को समाप्त करने के पश्चात, लोकहित में भारत सरकार की तत्कालीन पर्यावरण एवं वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533(अ), तारीख 14 सितम्बर, 2006, की अधिसूचना में निम्नलिखित और संशोधन करती है अर्थात्:-

उक्त अधिसूचना में-

(1) पैरा 4 में, उप-पैरा (iii) क) के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात्:-

(iii) क) राष्ट्रीय रक्षा या सामरिक या सुरक्षा महत्व से संबंधित हैं या जिन्हें केंद्रीय सरकार द्वारा संकटकाल जैसे महामारी, प्राकृतिक आपदाओं जैसी अत्यावश्यकताओं के कारण ऐसी प्रवर्ग 'ख' परियोजनाओं को अधिसूचित किया गया है या राष्ट्रीय कार्यक्रमों या स्कीमों या मिशन या ऐसी परियोजनाओं के अधीन पर्यावरण के अनुकूल क्रियाकलापों का संवर्धन करने के लिए जो इस अधिसूचना में यथा अधिकथित समय-सीमा से अधिक विलंबित हैं और समय-समय पर इस संबंध में यथा-अधिकथित मानदंडों को पूरा करती हैं, उन्हें केंद्रीय स्तर पर प्रवर्ग 'ख' परियोजनाओं के रूप में विचार किया जाएगा;

(2) अनुसूची में, -

(i) मद 1(क) के सामने, -

(क) स्तंभ (3) में, -

(क) गैर-कोयला खनन पट्टे के संबंध में "> 100 हेक्टेयर खनन पट्टा क्षेत्र" के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात्:-

"कोयले के अलावा अन्य प्रमुख खनिज खनन पट्टे के संबंध में >250 हेक्टेयर खनन पट्टा क्षेत्र";

(ख) ">150 हेक्टेयर" प्रतीक, अंक और अक्षर के स्थान पर, "> 500 हेक्टेयर" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) स्तंभ (4) में, -

(क) गैर-कोयला खनन के संबंध में <100 हेक्टेयर खनन पट्टा क्षेत्र के स्थान पर,

पट्टा", निम्नलिखित रखा जाएगा, अर्थात्:-

"लघु खनिज खनन पट्टों के संबंध में सभी खनन पट्टा क्षेत्र और कोयले के अलावा अन्य प्रमुख खनिज खनन पट्टे के संबंध में <250 हेक्टेयर खनन पट्टा क्षेत्र";

(ख) "<150 हेक्टेयर" के प्रतीकों, अंकों और अक्षरों के स्थान पर "<500 हेक्टेयर" के प्रतीक, अंक और अक्षर रखे जाएंगे;

(ii) मद 1(ग) के सामने, -

(क) स्तंभ (3) में, -

(क) क्रम संख्या (i) में, "> 50 मेगावाट, प्रतीकों, अंकों और अक्षरों के स्थान पर "> 100 मेगावाट" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) क्रम संख्या (ii) और उससे संबंधित प्रविष्टियों का लोप किया जाएगा;

(ख) स्तंभ (4) में, -

(क) क्रम संख्या (i) में, "<50 मेगावाट" प्रतीक, अंक और अक्षर के स्थान पर, "<100 मेगावाट" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) क्रम संख्या (ii) में, -

(i) "और <50,000 हेक्टेयर" शब्द, प्रतीक और अंक का लोप किया जाएगा;

(ii) बिंदु (ग) में मागणी में, "में <50,000" शब्द, प्रतीक और अंक का लोप किया जाएगा; ।

(ग) स्तंभ (5) में, क्रम संख्या (ii) के पश्चात्, निम्नलिखित क्रम संख्या अंतःस्थापित किया जाएगा, अर्थात् :-

"(iii) अंतर-राज्यीय सुदों से संबंधित सिंचाई परियोजनाओं का मूल्यांकन केंद्रीय स्तर पर श्रेणी में परिवर्तन के बिना किया जाएगा।";

(iii) मद 1(घ) के सामने,-

(क) स्तंभ (3) में, "> 50 मेगावाट" प्रतीकों, अंकों और अक्षरों के स्थान पर, "> 100 मेगावाट" प्रतीकों, अंकों और अक्षरों को रखा जाएगा;

(ख) स्तंभ (4) में, "<50 मेगावाट" प्रतीक, अंक और अक्षर के स्थान पर, "<100 मेगावाट" प्रतीक, अंक और अक्षर रखे जाएंगे;

(iv) मद 2(क) के सामने, -

(क) स्तंभ (3) में, ">1" प्रतीकों और अंक के स्थान पर, ">2.5" प्रतीकों और अंक को रखा जाएगा;

(ख) स्तंभ (4) में, "<1" प्रतीकों और अंक के स्थान पर, "< 2.5" प्रतीक और अंक रखे जाएंगे;

(ग) स्तंभ (5) में, विद्यमान पैरा के पश्चात्, निम्नलिखित पैरा अंतःस्थापित किया जाएगा, अर्थात्: -

"खनन पट्टा क्षेत्र के भीतर स्थित धुलाई मशीनों के साथ एकीकृत कोयला खनन परियोजनाओं को कोयला खनन परियोजनाओं के लिए विद्यमान सीमा के अनुसार केंद्रीय स्तर या राज्य स्तर पर, यथास्थिति, विचार किया जाना जारी रहेगा।";

(v) मद 2 (ख) के सामने, -

(क) स्तंभ (3) में, विद्यमान प्रविष्टियों का लोप किया जाएगा;

(ख) स्तंभ (4) में, "<0.5 मिलियन टीपीए का उत्पादन" प्रतीक, अंक, शब्द और अक्षर के स्थान पर, "सभी खनिज परिष्करण परियोजना, परिष्करण की प्रक्रिया पर ध्यान दिए बिना" शब्द रखे जाएंगे;

(ग) स्तंभ (5) में, विद्यमान पैरा के पश्चात्, निम्नलिखित पैरा रखा जाएगा,

अर्थात्: -

"भीतर स्थित लाभकारी संयंत्रों के साथ एकीकृत खनन परियोजनाएं खनन पट्टा क्षेत्र पर केंद्रीय स्तर पर विचार किया जाता रहेगा या यथास्थिति, राज्य स्तर, खनन परियोजनाओं के लिए विद्यमान सीमा के अनुसार।";

(vi) मद 7 (क) के सामने,-

(क) स्तंभ (3) में, "सभी परियोजनाओं" शब्दों के स्थान पर "सभी नई परियोजनाएं" शब्द रखे जाएंगे;

(ख) स्तंभ (4) में, निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्: -

"सभी विस्तार परियोजनाएं, जिनमें हवाई पट्टियां भी सम्मिलित हैं, जो वाणिज्यिक उपयोग के लिए हैं।"

[फा. सं. आईए 3-22/10/2022-आईए. III]

डॉ. सुजीत कुमार वाजपेयी, संयुक्त सचिव

टिप्पण: मूल अधिमूचना भारत के राजपत्र, असाधारण, भाग II, खंड III, उप-खंड (ii), संख्या का.आ. 1533(अ), तारीख 14 नितंबर, 2006 द्वारा प्रकाशित की गई थी और अधिमूचना संख्या का.आ. 1807(अ), तारीख 12 अप्रैल, 2022 द्वारा अंतिम संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 20th April, 2022

S.O. 1886(E).—WHEREAS, the Central Government in the erstwhile Ministry of Environment and Forests, in exercise of its powers under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 has published the Environment Impact Assessment Notification, 2006 (hereinafter referred to as the EIA Notification, 2006), vide number S.O.1533 (E), dated the 14th September, 2006 for mandating prior environmental clearance for certain category of projects;

And whereas, the State Environment Impact Assessment Authorities (SEIAAs) have been constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for implementation of the EIA Notification, 2006 at State level for exercising delegated powers to consider and grant Environmental Clearance (EC) for all proposals under Category B;

And whereas, the SEIAAs have gained substantial experience over the past fifteen years in the EC appraisal process and the process at the State level has also been made completely online through the PARIVESH portal for efficient and transparent disposal of EC proposals;

And whereas, the Central Government deems it necessary to further decentralise the EC process for facilitating clearances at State level;

And whereas, as on date, category 'B' projects, relating to national defence and strategic importance with significant element of security involvement are also being appraised at the State level which, the Central Government deems it necessary to be appraised centrally taking into account national security concerns;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule(4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules, in public interest, hereby makes the following further amendments in the notification of the Government of India, in the erstwhile Ministry of Environment and Forests, number S.O. 1533 (E), dated the 14th September, 2006, namely:-

In the said notification,-

(1) in paragraph 4, for sub-paragraph (iii a), the following shall be substituted, namely:-

(iii a) Such Category 'B' projects, relating to the National defence or strategic or security importance or those as notified by the Central Government on account of exigencies such as pandemics, natural disasters or to promote environmentally friendly activities under National Programmes or Schemes or Missions or such projects which are inordinately delayed beyond the stipulated timeline as laid down in this notification and also meet the criteria as laid down in this regard from time to time, shall be considered at the Central level as Category 'B' projects;

(2) in the Schedule,-

(i) against item I(a),-

(a) in column (3),-

(A) for ">100 ha. of mining lease area in respect of non-coal mining lease", the following shall be substituted, namely:-

">250 ha mining lease area in respect of major mineral mining lease other than coal";

(B) for the symbol, figures and letters "> 150 ha", the symbol, figures and letters "> 500 ha" shall be substituted;

(b) in column (4),-

(A) for "≤ 100 ha of mining lease area in respect of non-coal mine lease", the following shall be substituted, namely:-

"All mining lease area in respect of minor mineral mining leases and ≤ 250 ha mining lease area in respect of major mineral mining lease other than coal";

(B) for the symbols, figures and letters " ≤ 150 ha", the symbols, figures and letters " ≤ 500 ha" shall be substituted;

(ii) against item 1(c),—

(a) in column (3),—

(A) in serial number (i), for the symbols, figures and letters " ≥ 50 MW", the symbols, figures and letters " ≥ 100 MW" shall be substituted;

(B) serial number (ii) and the entries relating thereto shall be omitted;

(b) in column (4),—

(A) in serial number (i), for the symbol, figures and letters " < 50 MW", the symbol, figures and letters " < 100 MW" shall be substituted;

(B) in serial number (ii),—

(I) the word, symbol and figures "and $< 50,000$ ha." shall be omitted;

(II) in point (c) in the table, the word, symbol and figures "to $< 50,000$ " shall be omitted;

(c) in column (5), after serial number (ii), the following serial number shall be inserted, namely:—

"(iii) Irrigation projects involving Inter-State issues shall be appraised at Central level without change in category.";

(iii) against item 1(d),—

(a) in column (3), for the symbols, figures and letters " ≥ 50 MW", the symbols, figures and letters " ≥ 100 MW" shall be substituted;

(b) in column (4), for the symbol, figures and letters " < 50 MW", the symbol, figures and letters " < 100 MW" shall be substituted;

(iv) against item 2(a),—

(a) in column (3), for the symbols and figure " ≥ 1 ", the symbols and figures " ≥ 2.5 " shall be substituted;

(b) in column (4), for the symbols and figure " < 1 ", the symbols and figures " < 2.5 " shall be substituted;

(c) in column (5), after the existing paragraph, the following paragraph shall be inserted, namely:—

"Integrated coal mining projects with washeries located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for coal mining projects.";

(v) against item 2 (b),—

(a) in column (3), the existing entries shall be omitted;

(b) in column (4), for the symbol, figures, words and letters " < 0.5 million TPA throughput", the words "All mineral beneficiation projects irrespective of the procedure for beneficiation" shall be substituted;

(c) in column (5), after the existing paragraph, the following paragraph shall be inserted, namely:—

"Integrated mining projects with beneficiation plants located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for mining projects.";

(vi) against item 7 (a),—

(a) in column (3), for the words "All projects", the words "All new projects" shall be substituted;

(b) in column (4), the following shall be inserted, namely:—

“All expansions projects, including airstrips, which are for commercial use.”

[F. No. IA3-22/10/2022-IA III]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section III, sub-section (iii), vide, number S.O. 1533(E), dated the 14th September, 2006 and was last amended, vide, the notification number S.O. 1807(E), dated the 12th April, 2022.

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

Appeal No.45 of 2024

M/s.Stone Trust enterprises
...Appellant

--Versus--

MOEF & CC
And 2 others

..Respondents

Counter Affidavit filed by
Ministry of Environment, Forest
and Climate Change
Respondent No.1

Mrs.Kavitha.P

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