

**BEFORE THE NATIONAL GREEN TRIBUNAL(SZ), SITTING AT CHENNAI**  
(Under Section 18(1) r/w S. 16 (i) of National Green Tribunal Act, 2010)  
**Appeal No. 60 of 2025 (SZ)**

**Between:**

Mr. S. Venkadesan,  
S/o. Subramanian,  
No.9, 2<sup>nd</sup> Street, Neelam Garden,  
Perambur,  
Chennai- 600011,  
Email :-sas1994619@gmial.com  
Ph. No. -9790971141

**...Appellant**

- Vs-

**1. The District Collector,**

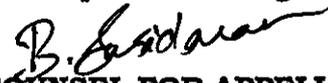
Collectorate Office,  
22/1, Kokkira Kulam Rd,  
Kokkirakulam, Tirunelveli,  
Tamilnadu - 627009.  
Email- collrtnv@nic.in  
Ph.No. 04622501032 & 3 Others.

**...Respondents**

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Certified that the above mentioned copies are true copies of the originals

  
**COUNSEL FOR APPELLANT**



THIRU.DEEPAK S.BILGI, I.F.S.  
MEMBER SECRETARY

STATE LEVEL ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY-TAMILNADU

3rd Floor, Panagal Maaligai,  
No.1, Jeenis Road, Saidapet,  
Chennai - 600 015.

Phone No. 044-24359973

Fax No. 044-24359975

**TERMS OF REFERENCE (ToR)**

**Lr No.SEIAA-TN/F.No.10293/SEAC/ToR-1570/2023 Dated:06.10.2023.**

To

Thiru. K.Ranganathan,  
S/o. Karuppasamy,  
11/243, kurumbapalayam road,  
Madukkarai Taluk,  
Coimbatore District-641 105

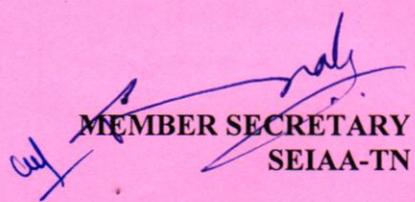
Sir / Madam,

**Sub:** SEIAA, Tamil Nadu – Terms of Reference with public Hearing (ToR) for the Proposed Ordinary stone & Gravel Quarry over an extent of 2.28.0Ha at SF.No. 174/4 & 176/1 of Edayarpalayam Village, Sulur Taluk, Coimbatore District, Tamil Nadu by Thiru.K.Ranganathan - under project category – “B1” and Schedule S.No.1 (a) – ToR issued along with Public Hearing - preparation of EIA report – Regarding.

**Ref:** 1. Online proposal No. SIA/TN/MIN/436694/2023, dated:14.07.2023.  
2. Your application submitted for Terms of Reference dated:08.08.2023.  
4. Minutes of the 409<sup>th</sup> SEAC meeting held on 21.09.2023.  
5.Minutes of the 660<sup>th</sup> SEIAA meeting held on 06.10.2023.

Kindly refer to your proposal submitted to the State Level Impact Assessment Authority for Terms of Reference.

The proponent, Thiru.K.Ranganathan has submitted application for Terms of Reference (ToR) in Form-I, Pre- Feasibility report for Proposed Ordinary stone & Gravel Quarry over an extent of 2.28.0Ha at SF.No. 174/4 & 176/1 of Edayarpalayam Village, Sulur Taluk, Coimbatore District, Tamil Nadu.

  
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**Discussion by SEAC and the Remarks:-**

**Proposed Ordinary stone & Gravel Quarry over an extent of 2.28.0Ha at SF.No. 174/4 & 176/1 of Edayarpalayam Village, Sulur Taluk, Coimbatore District, Tamil Nadu by Thiru.K.Ranganathan - For Terms of Reference.**

**(SIA/TN/MIN/436694/2023, Dated:14.07.2023)**

The proposal was placed in the 409<sup>th</sup> SEAC Meeting held on 21.09.2023. The details of the project furnished by the proponent are given on the website (parivesh.nic.in).

**The SEAC noted the following:**

1. The Project Proponent, Thiru.K.Ranganathan has applied for Terms of Reference for the Proposed Ordinary stone & Gravel Quarry over an extent of 2.28.0Ha at SF.No. 174/4 & 176/1 of Edayarpalayam Village, Sulur Taluk, Coimbatore District, Tamil Nadu.
2. The project/activity is covered under Category "B1" of Item 1(a) " Mining of mineral of the Schedule to the EIA Notification, 2006.
3. The lease period is for 10 years. The mining plan is for the period of five years & the production should not exceed 1,54,977m<sup>3</sup> of Ordinary stone & 33,330m<sup>3</sup> of Gravel with an ultimate depth of mining is 20m BGL. The annual peak production is 31,190m<sup>3</sup> of Ordinary stone & 12,134m<sup>3</sup> of Gravel.

Based on the presentation made by the proponent, **SEAC decided to recommend for grant of Terms of Reference (TOR) with Public Hearing**, subject to the following TORs, and subject to the standard conditions as per the **Annexure I** of this minute, in addition to the standard terms of reference for EIA study for non-coal mining projects and details issued by the MOEF & CC to be included in EIA/EMP Report:

1. The PP shall furnish ownership details of all survey numbers in EIA report.
2. As wind mill is located nearby, the PP shall submit **Modified Mining Plan** approved by competent authority leaving a distance of 150m from the wind mill structure.
3. The PP shall submit the 'Action Plan' on the issues raised during the Public Hearing with budgetary provisions for the same.
4. The PP shall submit the controlled blasting measures for reducing the impacts due to the blasting operation in the proposed quarries within 1 km of the proposed quarry based on a blast simulation model.
5. The PP shall submit a 'Conceptual Mining Plan' indicating the accessible ramp from the surface to the pit bottom keeping the benches intact for the dimension as stipulated in the

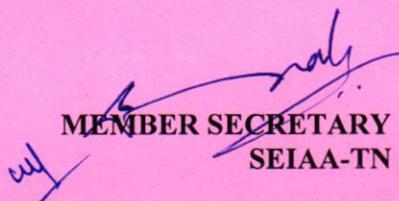
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Approved Mining Plan.

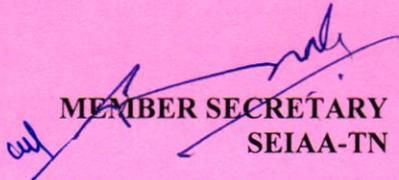
6. The PP shall submit the nature of buildings/structures, occupants and their profession, etc located within 500 m radius of the proposed quarry.

**Annexure I**

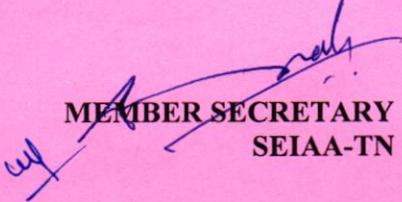
1. In the case of existing/operating mines, a letter obtained from the concerned AD (Mines) shall be submitted and it shall include the following:
  - (i) Original pit dimension
  - (ii) Quantity achieved Vs EC Approved Quantity
  - (iii) Balance Quantity as per Mineable Reserve calculated.
  - (iv) Mined out Depth as on date Vs EC Permitted depth
  - (v) Details of illegal/illicit mining
  - (vi) Violation in the quarry during the past working.
  - (vii) Quantity of material mined out outside the mine lease area
  - (viii) Condition of Safety zone/benches
  - (ix) Revised/Modified Mining Plan showing the benches of not exceeding 6 m height and ultimate depth of not exceeding 50m.
2. Details of habitations around the proposed mining area and latest VAO certificate regarding the location of habitations within 300m radius from the periphery of the site.
3. The proponent is requested to carry out a survey and enumerate on the structures located within the radius of (i) 50 m, (ii) 100 m, (iii) 200 m and (iv) 300 m (v) 500m shall be enumerated with details such as dwelling houses with number of occupants, whether it belongs to the owner (or) not, places of worship, industries, factories, sheds, etc with indicating the owner of the building, nature of construction, age of the building, number of residents, their profession and income, etc.
4. The PP shall submit a detailed hydrological report indicating the impact of proposed quarrying operations on the waterbodies like lake, water tanks, etc are located within 1 km of the proposed quarry.
5. The Proponent shall carry out Bio diversity study through reputed Institution and the same shall be included in EIA Report.
6. The DFO letter stating that the proximity distance of Reserve Forests, Protected Areas, Sanctuaries, Tiger reserve etc., up to a radius of 25 km from the proposed site.

  
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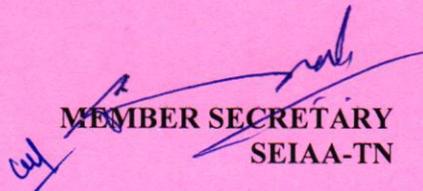
7. In the case of proposed lease in an existing (or old) quarry where the benches are not formed (or) partially formed as per the approved Mining Plan, the Project Proponent (PP) shall the PP shall carry out the scientific studies to assess the slope stability of the working benches to be constructed and existing quarry wall, by involving any one of the reputed Research and Academic Institutions - CSIR-Central Institute of Mining & Fuel Research / Dhanbad, NIRM/Bangalore, Division of Geotechnical Engineering-IIT-Madras, NIT-Dept of Mining Engg, Surathkal, and Anna University Chennai-CEG Campus. The PP shall submit a copy of the aforesaid report indicating the stability status of the quarry wall and possible mitigation measures during the time of appraisal for obtaining the EC.
8. However, in case of the fresh/virgin quarries, the Proponent shall submit a conceptual 'Slope Stability Plan' for the proposed quarry during the appraisal while obtaining the EC, when the depth of the working is extended beyond 30 m below ground level.
9. The PP shall furnish the affidavit stating that the blasting operation in the proposed quarry is carried out by the statutory competent person as per the MMR 1961 such as blaster, mining mate, mine foreman, II/I Class mines manager appointed by the proponent.
10. The PP shall present a conceptual design for carrying out only controlled blasting operation involving line drilling and muffle blasting in the proposed quarry such that the blast-induced ground vibrations are controlled as well as no fly rock travel beyond 30 m from the blast site.
11. The EIA Coordinators shall obtain and furnish the details of quarry/quarries operated by the proponent in the past, either in the same location or elsewhere in the State with video and photographic evidences.
12. If the proponent has already carried out the mining activity in the proposed mining lease area after 15.01.2016, then the proponent shall furnish the following details from AD/DD, mines,
13. What was the period of the operation and stoppage of the earlier mines with last work permit issued by the AD/DD mines?
14. Quantity of minerals mined out.
  - Highest production achieved in any one year
  - Detail of approved depth of mining.
  - Actual depth of the mining achieved earlier.
  - Name of the person already mined in that leases area.

  
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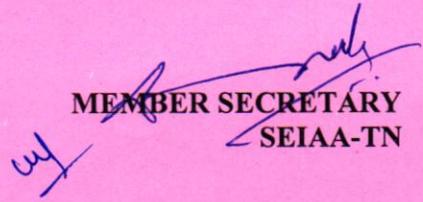
- If EC and CTO already obtained, the copy of the same shall be submitted.
  - Whether the mining was carried out as per the approved mine plan (or EC if issued) with stipulated benches.
15. All corner coordinates of the mine lease area, superimposed on a High-Resolution Imagery/Topo sheet, topographic sheet, geomorphology, lithology and geology of the mining lease area should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).
  16. The PP shall carry out Drone video survey covering the cluster, green belt, fencing, etc.,
  17. The proponent shall furnish photographs of adequate fencing, green belt along the periphery including replantation of existing trees & safety distance between the adjacent quarries & water bodies nearby provided as per the approved mining plan.
  18. The Project Proponent shall provide the details of mineral reserves and mineable reserves, planned production capacity, proposed working methodology with justifications, the anticipated impacts of the mining operations on the surrounding environment, and the remedial measures for the same.
  19. The Project Proponent shall provide the Organization chart indicating the appointment of various statutory officials and other competent persons to be appointed as per the provisions of the Mines Act'1952 and the MMR, 1961 for carrying out the quarrying operations scientifically and systematically in order to ensure safety and to protect the environment.
  20. The Project Proponent shall conduct the hydro-geological study considering the contour map of the water table detailing the number of groundwater pumping & open wells, and surface water bodies such as rivers, tanks, canals, ponds, etc. within 1 km (radius) along with the collected water level data for both monsoon and non-monsoon seasons from the PWD / TWAD so as to assess the impacts on the wells 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.
  21. The proponent shall furnish the baseline data for the environmental and ecological parameters with regard to surface water/ground water quality, air quality, soil quality & flora/fauna including traffic/vehicular movement study.
  22. The Proponent shall carry out the Cumulative impact study due to mining operations carried out in the quarry specifically with reference to the specific environment in terms of soil health, biodiversity, air pollution, water pollution, climate change and flood control &

  
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- health impacts. Accordingly, the Environment Management plan should be prepared keeping the concerned quarry and the surrounding habitations in the mind.
23. Rain water harvesting management with recharging details along with water balance (both monsoon & non-monsoon) be submitted.
  24. Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
  25. Details of the land for storage of Overburden/Waste Dumps (or) Rejects outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be provided.
  26. Proximity to Areas declared as 'Critically Polluted' (or) the Project areas which attracts the court restrictions for mining operations, should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the TNPCB (or) Dept. of Geology and Mining should be secured and furnished to the effect that the proposed mining activities could be considered.
  27. Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
  28. Impact on local transport infrastructure due to the Project should be indicated.
  29. A tree survey study shall be carried out (nos., name of the species, age, diameter etc.,) both within the mining lease applied area & 300m buffer zone and its management during mining activity.
  30. A detailed mine closure plan for the proposed project shall be included in EIA/EMP report which should be site-specific.
  31. As a part of the study of flora and fauna around the vicinity of the proposed site, the EIA coordinator shall strive to educate the local students on the importance of preserving local flora and fauna by involving them in the study, wherever possible.
  32. The purpose of Green belt around the project is to capture the fugitive emissions, carbon sequestration and to attenuate the noise generated, in addition to improving the aesthetics. A wide range of indigenous plant species should be planted as given in the appendix-I in consultation with the DFO, State Agriculture University. The plant species with

  
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- dense/moderate canopy of native origin should be chosen. Species of small/medium/tall trees alternating with shrubs should be planted in a mixed manner.
33. Taller/one year old Saplings raised in appropriate size of bags, preferably ecofriendly bags should be planted as per the advice of local forest authorities/botanist/Horticulturist with regard to site specific choices. The proponent shall earmark the greenbelt area with GPS coordinates all along the boundary of the project site with at least 3 meters wide and in between blocks in an organized manner
  34. A Disaster management Plan shall be prepared and included in the EIA/EMP Report for the complete life of the proposed quarry (or) till the end of the lease period.
  35. A Risk Assessment and management Plan shall be prepared and included in the EIA/EMP Report for the complete life of the proposed quarry (or) till the end of the lease period.
  36. Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
  37. Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
  38. The Socio-economic studies should be carried out within a 5 km buffer zone from the mining activity. Measures of socio-economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
  39. Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
  40. Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
  41. If any quarrying operations were carried out in the proposed quarrying site for which now the EC is sought, the Project Proponent shall furnish the detailed compliance to EC conditions given in the previous EC with the site photographs which shall duly be certified by MoEF&CC, Regional Office, Chennai (or) the concerned DEE/TNPCB.

  
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42. The PP shall prepare the EMP for the entire life of mine and also furnish the sworn affidavit stating to abide the EMP for the entire life of mine.
43. Concealing any factual information or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this Terms of Conditions besides attracting penal provisions in the Environment (Protection) Act, 1986.

**Appendix -I**  
**List of Native Trees Suggested for Planting**

No	Scientific Name	Tamil Name	Tamil Name
1	<i>Aegle marmelos</i>	Vilvam	வில்வம்
2	<i>Adenaanthera pavonina</i>	Manjadi	மஞ்சாடி, ஆனைக்குன்றிமணி
3	<i>Albizia lebbek</i>	Vaagai	வாகை
4	<i>Albizia amara</i>	Usil	உசில்
5	<i>Bauhinia purpurea</i>	Mantharai	மந்தாரை
6	<i>Bauhinia racemosa</i>	Aathi	ஆத்தி
7	<i>Bauhinia tomentos</i>	Iruvathi	இருவாத்தி
8	<i>Buchanania axillaris</i>	Kattuma	காட்டுமா
9	<i>Borassus flabellifer</i>	Panai	பனை
10	<i>Butea monosperma</i>	Murukkamaram	முருக்கமரம்
11	<i>Bobax ceiba</i>	Ilavu, Sevvilavu	இலவு
12	<i>Calophyllum inophyllum</i>	Punnai	புன்னை
13	<i>Cassia fistula</i>	Sarakondrai	சரக்கொன்றை
14	<i>Cassia roxburghii</i>	Sengondrai	செங்கொன்றை
15	<i>Chloroxylon sweitenia</i>	Purasamaram	பரசு மரம்
16	<i>Cochlospermum religiosum</i>	Kongu, Manjallavu	கோங்கு, மஞ்சள் இலவு
17	<i>Cordia dichotoma</i>	Naruvuli	நருவுளி
18	<i>Creteva adansonii</i>	Mavalingum	மாவிலங்கம்
19	<i>Dillenia indica</i>	Uva, Uzha	உசா
20	<i>Dillenia pentagyna</i>	SiruUva, Sitruzha	சிறு உசா
21	<i>Diospyro sebenum</i>	Karungali	கருங்காலி
22	<i>Diospyro schloroxylon</i>	Vaganai	வாகை
23	<i>Ficus amplissima</i>	Kalltchi	கல் இச்சி
24	<i>Hibiscus tiliaceou</i>	Aatrupoovarasu	ஆற்றுப்புவரசு
25	<i>Hardwickia binata</i>	Aacha	ஆச்சா
26	<i>Holoptelia integrifolia</i>	Aayili	ஆயா மரம், ஆயிலி
27	<i>Lannea coromandelica</i>	Odham	ஓதியம்
28	<i>Lagerstroemia speciosa</i>	Poo Marudhu	பூ மருது
29	<i>Lepisanthus tetraphylla</i>	Neikottaimaram	நெய் கொட்டடை மரம்
30	<i>Limonia acidissima</i>	Vila maram	விலா மரம்
31	<i>Litsea glutinos</i>	Pisinpattai	அரம்பா, பிசின்பட்டை
32	<i>Madhuca longifolia</i>	Illuppai	இலுப்பை
33	<i>Manilkara hexandra</i>	UlakkaiPaalai	உலக்கை பாலை
34	<i>Mimusops elengi</i>	Magizhamaram	மகிழ்மரம்
35	<i>Mitragyna parvifolia</i>	Kadambu	கடம்பு
36	<i>Morinda pubescens</i>	Nuna	நுணா
37	<i>Morinda citrifolia</i>	Vellai Nuna	வெள்ளை நுணா
38	<i>Phoenix sylvestre</i>	Eachai	ஈச்சமரம்
39	<i>Pongamia pinnat</i>	Pungam	புங்கம்

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40	<i>Premna mollissima</i>	Munnai	முன்னை
41	<i>Premna serratifolia</i>	Narununnai	நறு முன்னை
42	<i>Premna tomentosa</i>	Malaipoovarasu	மலை பூவரசு
43	<i>Prosopis cinara</i>	Varui maram	வள்ளி மரம்
44	<i>Pterocarpus marsupium</i>	Vengai	வேங்கை
45	<i>Pterospermum canescens</i>	Vennangu, Tada	வெண்ணாங்கு
46	<i>Pterospermum xylocarpium</i>	Polavu	புலவு
47	<i>Puthranjiva roxburghii</i>	Karipala	கறிபாலா
48	<i>Salvadora persica</i>	Ugaa Maram	ஊகா மரம்
49	<i>Sapindus emarginatus</i>	Marupungan, Soapukai	மணிப்புங்கள் சோப்புக்காய்
50	<i>Saraca asoca</i>	Asoca	சுசோகா
51	<i>Streblus asper</i>	Piray maram	பிராய் மரம்
52	<i>Strychnos nuxvomica</i>	Yetti	எட்டி
53	<i>Strychnos potatorum</i>	Therthang Kottai	தேத்தான் கொட்டை
54	<i>Syzygium cumini</i>	Naval	நாவல்
55	<i>Terminalia belleric</i>	Thandri	தாண்டி
56	<i>Terminalia arjuna</i>	Ven marudhu	வெண் மருது
57	<i>Toona ciliata</i>	Sandhana vembu	சந்தன வேம்பு
58	<i>Thespesia populnea</i>	Puvarasu	பூவரசு
59	<i>Walsuratrifoliata</i>	valsura	வால்கரா
60	<i>Wrightia tinctoria</i>	Veppalai	வெப்பாலை
61	<i>Pithecellobium dulce</i>	Kodukkapuli	கொடுக்காப்புளி

### Discussion by SEIAA and the Remarks:-

The proposal was placed in the 660<sup>th</sup> Authority meeting held on 06.10.2023. The authority noted that this proposal was placed for appraisal in 409<sup>th</sup> meeting of SEAC held on 21.09.2023, the committee has furnished its recommendations for granting ToR with Public hearing subject to the conditions stated therein. After detailed discussions, the Authority accepts the recommendation of SEAC and decided to grant **Terms of Reference (ToR) along with Public Hearing** under cluster for undertaking the combined Environment Impact Assessment Study and preparation of separate Environment Management Plan subject to the conditions as recommended by SEAC & normal conditions in addition to the conditions in 'Annexure B' of this minute.

### Annexure 'B'

#### Cluster Management Committee

1. Cluster Management Committee shall be framed which must include all the proponents in the cluster as members including the existing as well as proposed quarry.
2. The members must coordinate among themselves for the effective implementation of EMP as committed including Green Belt Development, Water sprinkling, tree plantation, blasting etc.,
3. The List of members of the committee formed shall be submitted to AD/Mines before the execution of mining lease and the same shall be updated every year to the AD/Mines.
4. Detailed Operational Plan must be submitted which must include the blasting frequency with respect to the nearby quarry situated in the cluster, the usage of haul roads by the individual quarry in the form of route map and network.

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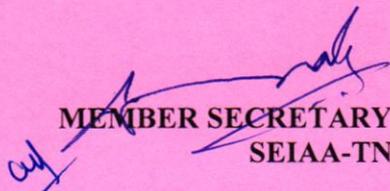
5. The committee shall deliberate on risk management plan pertaining to the cluster in a holistic manner especially during natural calamities like intense rain and the mitigation measures considering the inundation of the cluster and evacuation plan.
6. The Cluster Management Committee shall form Environmental Policy to practice sustainable mining in a scientific and systematic manner in accordance with the law. The role played by the committee in implementing the environmental policy devised shall be given in detail.
7. The committee shall furnish action plan regarding the restoration strategy with respect to the individual quarry falling under the cluster in a holistic manner.
8. The committee shall furnish the Emergency Management plan within the cluster.
9. The committee shall deliberate on the health of the workers/staff involved in the mining as well as the health of the public.
10. The committee shall furnish an action plan to achieve sustainable development goals with reference to water, sanitation & safety.
11. The committee shall furnish the fire safety and evacuation plan in the case of fire accidents.

**Impact study of mining**

12. Detailed study shall be carried out in regard to impact of mining around the proposed mine lease area covering the entire mine lease period as per precise area communication order issued from reputed research institutions on the following
  - a) Soil health & soil biological, physical land chemical features .
  - 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 destruction in the Environment.
  - g) Bio-geochemical processes and its foot prints including environmental stress.
  - h) Sediment geochemistry in the surface streams.

**Agriculture & Agro-Biodiversity**

13. Impact on surrounding agricultural fields around the proposed mining Area.
14. Impact on soil flora & vegetation around the project site.

  
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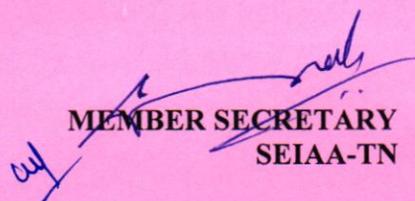
15. Details of type of vegetations including no. of trees & shrubs within the proposed mining area and. If so, transplantation of such vegetations all along the boundary of the proposed mining area shall committed mentioned in EMP.
16. The Environmental Impact Assessment should study the biodiversity, the natural ecosystem, the soil micro flora, fauna and soil seed banks and suggest measures to maintain the natural Ecosystem.
17. Action should specifically suggest for sustainable management of the area and restoration of ecosystem for flow of goods and services.
18. The project proponent shall study and furnish the impact of project on plantations in adjoining patta lands, Horticulture, Agriculture and livestock.

#### **Forests**

19. The project proponent shall detailed study on impact of mining on Reserve forests free ranging wildlife.
20. The Environmental Impact Assessment should study impact on forest, vegetation, endemic, vulnerable and endangered indigenous flora and fauna.
21. The Environmental Impact Assessment should study impact on standing trees and the existing trees should be numbered and action suggested for protection.
22. The Environmental Impact Assessment should study impact on protected areas, Reserve Forests, National Parks, Corridors and Wildlife pathways, near project site.

#### **Water Environment**

23. 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 entire mine lease period.
24. Erosion Control measures.
25. Detailed study shall be carried out in regard to impact of mining around the proposed mine lease area on the nearby Villages, Water-bodies/ Rivers, & any ecological fragile areas.
26. The project proponent shall study impact on fish habitats and the food WEB/ food chain in the water body and Reservoir.

  
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27. The project proponent shall study and furnish the details on potential fragmentation impact on natural environment, by the activities.
28. The project proponent shall study and furnish the impact on aquatic plants and animals in water bodies and possible scars on the landscape, damages to nearby caves, heritage site, and archaeological sites possible land form changes visual and aesthetic impacts.
29. The Terms of Reference should specifically study impact on soil health, soil erosion, the soil physical, chemical components and microbial components.
30. The Environmental Impact Assessment should study on wetlands, water bodies, rivers streams, lakes and farmer sites.

#### **Energy**

31. The measures taken to control Noise, Air, Water, Dust Control and steps adopted to efficiently utilise the Energy shall be furnished.

#### **Climate Change**

32. The Environmental Impact Assessment shall study in detail the carbon emission and also suggest the measures to mitigate carbon emission including development of carbon sinks and temperature reduction including control of other emission and climate mitigation activities.
33. The Environmental Impact Assessment should study impact on climate change, temperature rise, pollution and above soil & below soil carbon stock.

#### **Mine Closure Plan**

34. Detailed Mine Closure Plan covering the entire mine lease period as per precise area communication order issued.

#### **EMP**

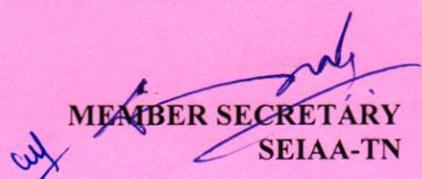
35. Detailed Environment Management Plan along with adaptation, mitigation & remedial strategies covering the entire mine lease period as per precise area communication order issued.
36. The Environmental Impact Assessment should hold detailed study on EMP with budget for Green belt development and mine closure plan including disaster management plan.

#### **Risk Assessment**

37. To furnish risk assessment and management plan including anticipated vulnerabilities during operational and post operational phases of Mining.

#### **Disaster Management Plan**

38. 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 &

  
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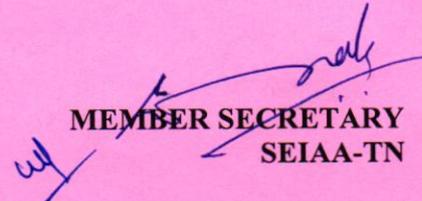
around the proposed mine lease area due to the proposed method of mining activity & its related activities covering the entire mine lease period as per precise area communication order issued.

**Others**

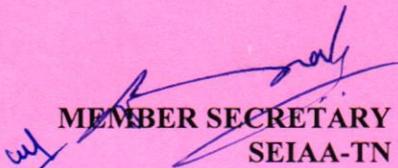
39. The project proponent shall furnish VAO certificate with reference to 300m radius regard to approved habitations, schools, Archaeological sites, Structures, railway lines, roads, water bodies such as streams, odai, vaari, canal, channel, river, lake pond, tank etc.
40. As per the MoEF& CC office memorandum F.No.22-65/2017-IA.III dated: 30.09.2020 and 20.10.2020 the proponent shall address the concerns raised during the public consultation and all the activities proposed shall be part of the Environment Management Plan.
41. The project proponent shall study and furnish the possible pollution due to plastic and microplastic on the environment. The ecological risks and impacts of plastic & microplastics on aquatic environment and fresh water systems due to activities, contemplated during mining may be investigated and reported.

**A. STANDARD TERMS OF REFERENCE**

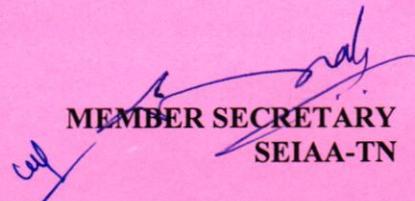
- 1) Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994.
- 2) A copy of the document in support of the fact that the Proponent is the rightful lessee of the mine should be given.
- 3) All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
- 4) All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/ topo sheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).
- 5) Information should be provided in Survey of India Topo sheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.

  
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- 6) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
- 7) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the EIA Report.
- 8) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
- 9) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
- 10) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
- 11) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.
- 12) Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.

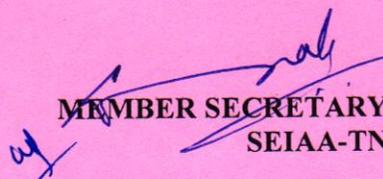
  
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- 13) Status of forestry clearance for the broken up area and virgin forestland involved in the Project including deposition of Net Present Value (NPV) and Compensatory Afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.
- 14) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.
- 15) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.
- 16) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
- 17) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/ Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
- 18) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan along with budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
- 19) Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Department should be secured and furnished to the effect that the proposed mining activities could be considered.
- 20) Similarly, for Coastal Projects, a CRZ map duly authenticated by one of the authorized agencies demarcating LTL, HTL, CRZ area, location of the mine lease with respect to CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling

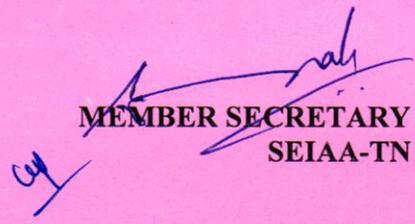
  
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under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority).

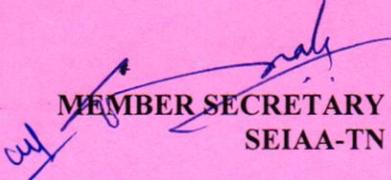
- 21) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.
- 22) One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season) ; December-February (winter season)] primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.
- 23) Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of Vehicles for transportation of mineral. The details of the model used and input parameters used for modeling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
- 24) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
- 25) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
- 26) Description of water conservation measures proposed to be adopted in the Project should be

  
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- given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
- 27) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
  - 28) 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. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
  - 29) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be brought out.
  - 30) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.
  - 31) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.
  - 32) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
  - 33) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
  - 34) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.

  
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- 35) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
- 36) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
- 37) Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
- 38) Detailed Environmental Management Plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.
- 39) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
- 40) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
- 41) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
- 42) A Disaster management Plan shall be prepared and included in the EIA/EMP Report.
- 43) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
- 44) Besides the above, the below mentioned general points are also to be followed:-
  - a) Executive Summary of the EIA/EMP Report
  - b) All documents to be properly referenced with index and continuous page numbering.
  - c) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.
  - d) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.

  
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- e) Where the documents provided are in a language other than English, an English translation should be provided.
- f) The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.
- g) While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF&CC vide O.M. No. J-11013/41/2006-IA. II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.
- h) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the ToR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.
- i) As per the circular no. J-11011/618/2010-IA. II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the Environment Clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.
- j) The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

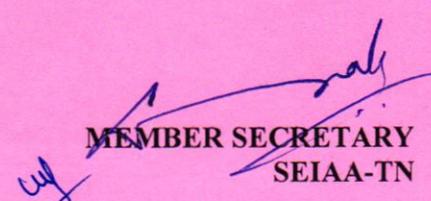
**In addition to the above, the following shall be furnished:-**

**The Executive summary of the EIA/EMP report in about 8-10 pages should be prepared incorporating the information on following points:**

1. Project name and location (Village, District, State, Industrial Estate (if applicable)).
2. Process description in brief, specifically indicating the gaseous emission, liquid effluent and solid and hazardous wastes.
3. Measures for mitigating the impact on the environment and mode of discharge or disposal.
4. Capital cost of the project, estimated time of completion.
5. The proponent shall furnish the contour map of the water table detailing the number of wells located around the site and impacts on the wells due to mining activity.
6. A detailed study of the lithology of the mining lease area shall be furnished.

  
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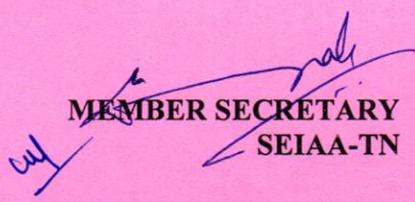
7. Details of village map, "A" register and FMB sketch shall be furnished.
8. Detailed mining closure plan for the proposed project approved by the Geology of Mining department shall be submitted along with EIA report.
9. Obtain a letter /certificate from the Assistant Director of Geology and Mining standing that there is no other Minerals/resources like sand in the quarrying area within the approved depth of mining and below depth of mining and the same shall be furnished in the EIA report.
10. EIA report should strictly follow the Environmental Impact Assessment Guidance Manual for Mining of Minerals published February 2010.
11. Detail plan on rehabilitation and reclamation carried out for the stabilization and restoration of the mined areas.
12. The EIA study report shall include the surrounding mining activity, if any.
13. Modeling study for Air, Water and noise shall be carried out in this field and incremental increase in the above study shall be substantiated with mitigation measures.
14. A study on the geological resources available shall be carried out and reported.
15. A specific study on agriculture & livelihood shall be carried out and reported.
16. Impact of soil erosion, soil physical chemical and biological property changes may be assumed.
17. Site selected for the project - Nature of land - Agricultural (single/double crop), barren, Govt./ private land, status of its acquisition, nearby (in 2-3 km.) water body, population, within 10km other industries, forest, eco-sensitive zones, accessibility, (note - in case of industrial estate this information may not be necessary)
18. Baseline environmental data - air quality, surface and ground water quality, soil characteristic, flora and fauna, socio-economic condition of the nearby population
19. Identification of hazards in handling, processing and storage of hazardous material and safety system provided to mitigate the risk.
20. Likely impact of the project on air, water, land, flora-fauna and nearby population
21. Emergency preparedness plan in case of natural or in plant emergencies
22. Issues raised during public hearing (if applicable) and response given
23. CER plan with proposed expenditure.
24. Occupational Health Measures
25. Post project monitoring plan
26. The project proponent shall carry out detailed hydro geological study through intuitions/NABET Accredited agencies.

  
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27. A detailed report on the green belt development already undertaken is to be furnished and also submit the proposal for green belt activities.
28. The proponent shall propose the suitable control measure to control the fugitive emissions during the operations of the mines.
29. A specific study should include impact on flora & fauna, disturbance to migratory pattern of animals.
30. Reserve funds should be earmarked for proper closure plan.
31. A detailed plan on plastic waste management shall be furnished. Further, the proponent should strictly comply with, Tamil Nadu Government Order (Ms) No.84 Environment and forests (EC.2) Department dated 25.06.2018 regarding ban on one time use and throw away plastics irrespective of thickness with effect from 01.01.2019 under Environment (Protection) Act, 1986. In this connection, the project proponent has to furnish the action plan.

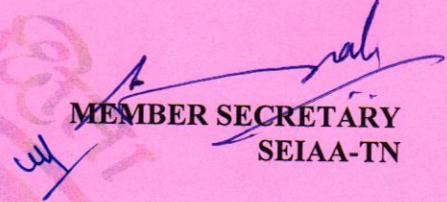
**Besides the above, the below mentioned general points should also be followed:-**

- a. A note confirming compliance of the TOR, with cross referencing of the relevant sections / pages of the EIA report should be provided.
- b. All documents may be properly referenced with index, page numbers and continuous page numbering.
- c. Where data are presented in the report especially in tables, the period in which the data were collected and the sources should be indicated.
- d. While preparing the EIA report, the instructions for the proponents and instructions for the consultants issued by MoEF & CC vide O.M. No. J-11013/41/2006-IA.II (I) dated 4th August, 2009, which are available on the website of this Ministry should also be followed.
- e. The consultants involved in the preparation of EIA/EMP report after accreditation with Quality Council of India (QCI)/National Accreditation Board of Education and Training (NABET) would need to include a certificate in this regard in the EIA/EMP reports prepared by them and data provided by other organization/Laboratories including their status of approvals etc. In this regard circular no F. No.J -11013/77/2004-IA-II(I) dated 2<sup>nd</sup> December, 2009, 18<sup>th</sup> March 2010, 28<sup>th</sup> May 2010, 28<sup>th</sup> June 2010, 31<sup>st</sup> December 2010 & 30<sup>th</sup> September 2011 posted on the Ministry's website <http://www.moef.nic.in/> may be referred.
  - After preparing the EIA (as per the generic structure prescribed in Appendix-III of the EIA Notification, 2006) covering the above mentioned points, the proponent willtake

  
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further necessary action for obtaining environmental clearance in accordance with the procedure prescribed under the EIA Notification, 2006.

- The final EIA report shall be submitted to the SEIAA, Tamil Nadu for obtaining Environmental Clearance.
- The TORs with public hearing prescribed shall be **valid for a period of three years** from the date of issue, for submission of the EIA/EMP report as per OMNo.J-11013/41/2006-IA-II(I) (part) dated 29<sup>th</sup> August, 2017.

  
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**Copy to:**

1. The Additional Chief Secretary to Government, Environment & Forests Department, Govt. of Tamil Nadu, Fort St. George, Chennai - 9
2. The Chairman, Central Pollution Control Board, Parivesh Bhavan, CBD Cum-Office Complex, East Arjun Nagar, New Delhi 110032.
3. The Member Secretary, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai-600 032.
4. The APCCF (C), Regional Office, MoEF & CC (SZ), 34, HEPC Building, 1<sup>st</sup> & 2<sup>nd</sup> Floor, Cathedral Garden Road, Nungambakkam, Chennai -34.
5. Monitoring Cell, IA Division, Ministry of Environment, Forests & CC, Paryavaran Bhavan, CGO Complex, New Delhi 110003
6. The District Collector, Coimbatore District.
7. Stock File.

**Item No.3:-****BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI*****Dated this the 10<sup>th</sup> day of January, 2024.***

(Through Video Conference)

**Appeal No.41 of 2023 (SZ)****IN THE MATTER OF****N. Thangavel**S/o. Late Nagappagounder  
No.20, Munnal Padai Veerar Colony,  
Bhavanisagar, Satyamangalam Taluk,  
Erode District – 638 451.

...Appellant(s)

**Versus****1) State Level Environment Impact Assessment Authority  
(SEIAA)**Rep. by its Member Secretary  
3<sup>rd</sup> Floor, Panagal Maaligai,  
No.1, Jeenis Road, Saidapet,  
Chennai – 600 015.**2) State Level Expert Appraisal Committee (SEAC)**Rep. by its Member Secretary  
3<sup>rd</sup> Floor, Panagal Maaligai,  
No.1, Jeenis Road, Saidapet,  
Chennai – 600 015.

...Respondent(s)

**For Appellant (s):**Mr. S. Saravanan along with  
M/s. P. Kokila, K. Priyanka, B. Girija &  
K. Mokshavathy.**For Respondent(s):**

Mr. G.M. Syed Nurullah Sheriff for R1 &amp; R2.

**Judgment Reserved on: 21<sup>st</sup> December, 2023.****CORAM:****HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER****HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

## JUDGEMENT

***Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member.***

1. The appellant/project proponent, who proposed to do business in mining, quarrying and trading with rough stone and gravel along with the stone crushing activities in the State of Tamil Nadu, had filed the above appeal aggrieved by the fact that his proposal was rejected for the third time by the 1<sup>st</sup> Respondent/ State Environmental Impact Assessment Authority – Tamil Nadu (*hereinafter referred to as 'SEIAA – Tamil Nadu'*).
  
2. The appellant had operated the rough stone and gravel quarry for a period of 3 years i.e. from 1996 to 1999 with proper mining approvals and permissions from the competent authorities. Thereafter, from 2004 to 2009, the appellant operated a quarry for a period of five years with proper approvals and permissions from the competent authorities. Once again, for another period of five years i.e. from 2009 to 2014, the appellant was operating a rough stone and gravel quarry. Once again desirous of continuing with the rough stone and gravel quarry in his patta lands measuring an extent of 2.41.0 Hectares, the appellant applied for Environmental Clearance on 24.08.2021. Before that, the appellant had been issued the Precise Area Communication by the Assistant Director – Department of Geology and Mining, Erode. The mining plan approval was also issued by the Assistant Director – Department of Geology and Mining.
  
3. After the application made by the appellant, the Government of Tamil Nadu imposed a restriction that no quarrying or mining or crushing activities shall be allowed within 1 KM radial distance or the protective distance notified by the MoEF&CC from the boundaries of ecologically sensitive areas and environmentally and ecologically protected areas such as National Parks, Wildlife Sanctuaries, Tiger Reserves, Elephant Corridors and Reserved Forest by way of an amendment in the Tamil Nadu Minor Mineral Concession Rules, 1959 (*hereinafter referred to as 'TNMMC Rules'*) vide G.O. (Ms) No.295 dated 03.11.2021.

4. The proposal that was placed before the SEAC – Tamil Nadu was not recommended by it on the ground that no quarrying or crushing activity shall be carried out within a 1 Km radial distance or the protective distance from the boundaries of ecologically sensitive areas like National Parks, Wildlife Sanctuaries, Tiger Reserves, Elephant Corridors and Reserved Forest. As the committee noted that the Velamundi is located at a distance of 100 Meters from the project site and the proposal is hit by the above-referred G.O., it was decided not to recommend the proposal. In view of the same, the SEIAA – Tamil Nadu accepted the recommendation and decided to reject the proposal on 27.05.2022.
  
5. In the meanwhile, the relevant provisions of the TNMMC Rules, 1959 were amended by way of insertion of Clause (e) in Sub-rule (1-A) of Rule 36 by way of a notification in G.O. (Ms) No.295 dated 03.11.2021. The above amendment by the Government of Tamil Nadu was after the proposal submitted by the appellant online and as such, it cannot be applied retrospectively to the appellant. Nonetheless, the Government of Tamil Nadu had further amended the TNMMC Rules by way of omission/substitution of certain words and clauses by way of notification vide G.O. (Ms) No.243 dated 14.12.2022, as per which, the phrase '**Reserved Forest**' was omitted in the TNMMC Rules. This leads to the conclusion that the project area can still be considered and granted Environmental Clearance even when the project area falls within 1 Km distance from any reserved forest boundary.
  
6. As the Government of Tamil Nadu had done away with the 1 Km distance criteria applicable to the reserved forest, the appellant once again made a fresh application for the second time in File No.9694 under the 'B2' Category for the same extent in the above-said survey number in Sathyamangalam Taluk. The appellant also had given a detailed explanation to the respondent about the amendment to Rule 36 (1-A) (e) of the TNMMC Rules. However, the SEAC – Tamil Nadu once again reappraised the appellant's project proposal in its meeting held on 24.03.2023 and decided not to recommend the project for grant of Environmental Clearance and rejected the proposal stating

that the quarry site is located in an ecologically sensitive area of Bhavanisagar Reservoir and it is located in Velamundi Reserve Forest. The SEIAA – Tamil Nadu also accepted the recommendation of the SEAC – Tamil Nadu and decided to request the Member Secretary of the SEIAA – Tamil Nadu to grant the rejection letter to the Project proponent. Accordingly, on 25.05.2023, the proposal was rejected.

7. Not deterred by the rejection for the second time, the appellant made yet another proposal in File No.10317/2023 dated 12.08.2023. The appellant also had clearly made his submissions to the SEIAA – Tamil Nadu explaining the facts and the statutory norms prescribed with proper justification by way of a representation. In support of his submission, the appellant also annexed the gazette notification and the letter dated 31.01.2023 issued by the Tamil Nadu Forest Department confirming the distance of the forest boundary, Bhavanisagar dam, etc. and also the report of the Anna University on scientific study on the '*Influence of blasting in the blue metal quarries of Thoppampalayam Village and its surrounding of Bhavanisagar dam and nearby farmlands*'. However, once again, the SEIAA – Tamil Nadu had issued a rejection order dated 21.11.2023 indicating that the rejected proposals shall not be reconsidered for appraisal at SEIAA – Tamil Nadu. Aggrieved by the rejection for the third time, the appellant had preferred the above appeal.
8. The impugned order is assailed by the appellant stating that it was issued by the Member Secretary of the SEIAA – Tamil Nadu without even affording an opportunity to the appellant to respond to the objections raised by them. It is alleged that the appellant's proposal was not placed in the meeting of the SEAC – Tamil Nadu. Though the proposal was for the same quarrying operation, which was rejected twice earlier, it was only a fresh proposal/application that ought to have been considered in the manner and procedure prescribed by law. Having not done so, it is alleged that it is only the own decision of the Member Secretary of the SEIAA – Tamil Nadu and it cannot be construed as a final order passed in accordance with law.

9. It is pointedly argued by the learned counsel for the appellant that there is no restriction imposed in the EIA Notification, 2006 to process an application afresh or reconsideration of the same proposal for Environmental Clearance. It was specifically pointed out that for the first time on 28.04.2022 and for the second time on 24.03.2023, different reasons were given by the SEAC – Tamil Nadu for not recommending the proposal which clearly indicates that the SEAC – Tamil Nadu is prejudiced in considering the proposal for appraisal towards the grant of Environmental Clearance. The proposal sent for the third time by the Project Proponent was not referred by the SEIAA – Tamil Nadu to the SEAC – Tamil Nadu for reappraisal and also has not considered the submissions made by the appellant before rejecting the same.
10. It is also pointed out that the appellant had made huge investments in the project and he is been made to run from pillar to post from 2021 to 2023. Hence, it was prayed that the order impugned has to be set aside and direct the Respondents No.1 and 2 to consider the proposal of the appellant a fresh and pass appropriate orders.
11. **In the counter filed by the SEIAA – Tamil Nadu**, the reasons for the rejection of the earlier proposals was notified. So far as the present proposal dated 11.08.2023 is concerned, it is said to be the same subject without modification. The rejection letter was communicated to the project proponent by the SEIAA – Tamil Nadu on 21.11.2023 stating that the rejected proposals would not be reconsidered for appraisal at SEIAA – Tamil Nadu and hence, the file was closed.
12. The counter affidavit does not specifically state when it is a fresh proposal may be for the same project that was rejected earlier twice, whether it has to undergo the same procedure prescribed for considering any proposal. Without the recommendation of the SEAC – Tamil Nadu, the SEIAA – Tamil Nadu cannot pass the order independently. Therefore, there is no such explanation given by the SEIAA – Tamil Nadu in the counter for not placing the proposal for appraisal before the SEAC – Tamil Nadu. This is

yet another classic example of non-application of mind by the SEIAA – Tamil Nadu.

- 13.** As stated above, the very same appellant had been operating the rough stone and gravel quarry for various periods between 1996 & 1999, 2004 & 2009 and 2009 & 2014. For the above-referred period, admittedly, the appellant had proper mining approvals and permissions from the competent authorities as per the TNMMC Rules and the Environmental Clearance. In the same fond of hope and expectation, the proposal was sent for Environmental Clearance by the appellant thrice from the year 2021 and they were uniformly rejected without proper assessment.
- 14.** In a situation of this kind, the '**Doctrine of Legitimate Expectation**' is attracted. The Project Proponent/Appellant who has been in the quarrying activity for more than 2½ decades can legitimately expect a certain degree of stability in the manner in which the authorities act and how the applications are processed. The authorities are expected to adhere to the procedure and the norms prevalent without the element of uncertainty. It is also the legitimate expectation that when the public authority is expected to follow a certain procedure in the interest of justice and administration, the authority should act fairly and should implement the procedure so long as it has not interfered with the statutory duty. The concept of legitimate expectation came up for consideration before the Hon'ble Supreme Court in **Food Corporation of India Vs. M/s. Kamdhenu Cattle Feed Industries (1993) 1 SCC 71** and elaborately explaining the concept of legitimate expectation, it was observed as under:-

"7. In contractual sphere as in all other State actions, the State and all its instrumentalities have to conform to Article 14 of the Constitution of which non-arbitrariness is a significant facet. There is no unfettered discretion in public law: A public authority possesses powers only to use them for public good. This imposes the duty to act fairly and to adopt a procedure which is 'fairplay in action'. Due observance of this obligation as a part of good administration raises a reasonable or legitimate expectation in every citizen to be treated fairly in his interaction with the State and its instrumentalities, with this element forming a necessary component of the decision making process in all State actions. To satisfy this requirement of non-arbitrariness in a State action, it is, therefore, necessary to consider and give due weight to the reasonable or legitimate expectations of the persons likely

to be affected by the decision or else that unfairness in the exercise of the power may amount to an abuse or excess of power apart from affecting the bona fides of the decision in a given case. The decision so made would be exposed to challenge on the ground of arbitrariness. Rule of law does not completely eliminate discretion in the exercise of power, as it is unrealistic, but provides for control of its exercise by judicial review.

**8.** The mere reasonable or legitimate expectation of a citizen, in such a situation, may not by itself be a distinct enforceable right, but failure to consider and give due weight to it may render the decision arbitrary, and this is how the requirement of due consideration of a legitimate expectation forms part of the principle of non-arbitrariness, a necessary concomitant of the rule of law. Every legitimate expectation is a relevant factor requiring due consideration a fair decision making process. Whether the expectation of the claimant is reasonable or legitimate in the context is a question of fact in each case. Whenever the question arises, it is to be determined not according to the claimant's perception but in larger public interest wherein other more important considerations may outweigh what would otherwise have been the legitimate expectation of the claimant. A bona fide decision of the public authority reached in this manner would satisfy the requirement of non-arbitrariness and withstand judicial scrutiny. The doctrine of legitimate expectation gets assimilated in the rule of law and operates in our legal system in this manner and to this extent.”

- 15.** In the present case, the appellant has specifically stated that he made a huge investment in the quarry project. When the appellant has scrupulously followed and adhered to the legal norms prescribed and also could have created third-party interest like engaging a skilled and semi-skilled staff, etc. it would be inequitable to reject the proposals in a mechanical manner as how it is done in this case.
- 16.** The impugned order can straight away be set aside, as the same is rejected by the Member Secretary of the SEIAA – Tamil Nadu deeming it to be a request for reconsideration and not treating it as a fresh proposal. Even though the appellant is not expected to anticipate changes in norms and keep revisiting the conditions of the competent authority, he is also not expected to knock the doors of the Court to get the application processed, as such a situation would only render the process never-ending.
- 17.** So, in such circumstances, we expect the authorities to follow the procedure and consider the applications in their proper perspective.

- 18.** In view of the above, we are inclined to set aside the impugned order and remit it back to the SEIAA – Tamil Nadu for fresh consideration. The SEIAA – Tamil Nadu is directed to consider the appellant's proposal bearing Proposal No.SIA/TN/MIN/440129 dated 11.08.2023 afresh without being influenced by any of the comments made in this order within the statutory time prescribed.

**Sd/-**  
**Smt. Justice Pushpa Sathyanarayana, JM**

**Sd/-**  
**Dr. Satyagopal Korlapati, EM**

Internet – Yes/No

All India NGT Reporter – Yes/No

**Appeal No.41/2023 (SZ)**  
**10<sup>th</sup> January, 2024. Mn.**



BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

**Tuesday the 6<sup>th</sup> day of February, 2023.**

**Appeal No.38 of 2023 (SZ)**  
(Through Video Conference)

IN THE MATTER OF

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

...Appellant(s)

**Versus**

सत्यमेव जयते

**1. State Level Environment Impact Assessment Authority (SEIAA).**

Rep by its Member Secretary,  
3rd Floor, Panagal Maaligai,  
No.1, Jeenis Road, Saidapet, Chennai- 600 015.

**2. State Level Expert Appraisal Committee (SEAC),**

Rep by its Chairman,  
3rd Floor, Panagal Maaligai,  
No.1, Jeenis Road, Saidapet, Chennai- 600 015.

...Respondent(s)

For Applicant(s): Mrs. P. Kokila, Mrs. K. Priyanka, Mrs. B. Girija and Mrs. K. Mokshavathy.

For Respondent(s): Mr. G.M. Syed Nurullah Sheriff for R1 & R2.

**Judgment Reserved on: 30<sup>th</sup> January, 2024.**

**CORAM:**

**HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

**JUDGMENT**

***Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member***

1. The appeal is directed against the order of rejection of the proposal made by the appellant, herein, for quarrying black granite in his patta land measuring an extent of 3.03.0 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.

2. The appellant had filed an application in Form-IM for obtaining the prior Environmental Clearance for the above-referred area under 'B2' category on 25.06.2019 which was given a file no. 6873. The said proposal was placed during the 136<sup>th</sup> meeting of the SEAC on 21.09.2019. The SEAC decided not to recommend for issuance of Environmental Clearance for the project as the project site was next to a water tank (without mentioning the distance at which it is located) and the project will adversely impact the storage capacity of the tank affecting the irrigation and livelihood of the local people of the downstream. Hence, SEAC decided not to recommend.

3. As the project was not recommended the appellant once again applied for the same project on 15.02.2022 and the proposal was given file no. 9040. The SEAC has recommended in its 281<sup>st</sup> meeting held on 03.06.2022. When it was placed before the SEIAA on 01.07.2022 it was referred back by the authorities for the reasons stated therein. While the matter was pending consideration before the SEAC, the appellant, herein, requested for the withdrawal of the application and made a request. Therefore, reappraisal was not done by the Committee or SEAC. In the meanwhile, the project proponent had done 08 numbers of hydrogeological studies. As the appellant had decided to withdraw the proposal, the SEIAA on 03.12.2022 sent a communication stating "This is to inform that your request for withdrawal of EC

*has been rejected by the SEIAA and henceforth, your application will be treated as withdrawn".*

4. Once again the project proponent/appellant had made the 3<sup>rd</sup> online proposal on 13.12.2022 for the third time which was given file no. 9641. As the proposal was not considered within time, the appellant sent a request on 10.03.2023 to SEAC and requested the authorities to reconsider their application and consider issuance of Environmental Clearance. As there was delay in processing the appellant's file no. 9641 dated 13.12.2022 and the reminder dated 10.03.2023, the appellant had filed a W.P. No. 17246 of 2023 for mandamus to consider the proposal in file no. 9641 for grant of the Environmental Clearance to the appellant. The said writ petition was disposed of on 12.06.2023 directing the SEIAA to consider the petitioner's application on merits within the period of 03 months from the date of receipt of the copy of the order.
5. In compliance with the direction passed in the W.P No. 17246 of 2023 the proposal was placed in 636<sup>th</sup> meeting of SEIAA and the same was forwarded to SEAC to consider the proposal as per the order of the Hon'ble High Court. Thereafter the matter was placed in the meeting of the SEAC held on 25.08.2023. The SEAC noted that already decision has been taken by the previous committee in its 136<sup>th</sup> meeting on 21.09.2019. In the said meeting it was decided as follows:

*"After the detailed presentation and perusal of the details furnished by the proponent, the SEAC decided to not recommended for issue of Environmental Clearance the proposal 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."*

6. Now after direction received from the Hon'ble High Court to consider the proposal no. 9641 the authority has held that

*"the Hon'ble High Court had directed the authority to consider the application freshly filed. SEAC carefully examined the case and decided that the PP WAS DISHONEST in not to disclose the earlier decision of the authority to deny Environmental Clearance to his proposal based on the recommendation of SEAC. Now again the PP has made fresh 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."*

7. The authority after discussion accepted the decision of SEAC, rejected the proposal and requested the Member Secretary, SEIAA, Tamil Nadu to grant rejection letter to proponent as per 404th SEAC minutes.

8. The Learned Counsel appearing for the appellant would contend that the word 'dishonest' used by the respondent against the appellant in the impugned order is a disparaging remark which is irrelevant to process the Environmental Clearance application. The respondent has employed the word 'dishonest' for not disclosing the earlier decision of the authority to deny the Environmental Clearance to the proposal made by the appellant.

9. It is to be seen that the first proposal made on 25.06.2019 was not recommended by the SEAC then the second proposal dated 15.02.2022 has not come to the logical conclusion as there was no response from the authorities till date. Therefore, the appellant had made the third proposal on 13.12.2022. In the meanwhile, the second proposal was sought to be withdrawn by the appellant

which was also permitted by the SEIAA. It is to be noted that the appellant had carried out the comprehensive and detailed studies for the project and also had obtained NoC as required.

10. According to the appellant, Environmental Clearance was never rejected to the project for file no. 6873 which is the first application made on 25.06.2019 as there was no communication received till today. Regarding the second application made on 15.02.2022 in file no. 9040 it was withdrawn with the permission of the authority. The project proponent had not received any communication till today with respect to the file no. 6873. While so the authority cannot make the remark that the appellant is dishonest in not disclosing the authority's decision as it may be factually incorrect. The Learned Counsel, therefore, prayed that terming project proponent as 'dishonest' would amount to bringing a great disrepute to the project proponent's firm as this is the first project for the appellant and prayed for expunging the same.

11. The order refusing to recommend the project on the file no. 6873 was not communicated to the project proponent not only within time but even till today amounts denial of right to the appellant. Therefore, the appellant was forced to make another application with additional inputs after the impact studies. The very same SEAC appreciated and recommended the project for Environmental Clearance in their 281st meeting in file no. 9040. As there was no communication, the appellant withdrew the proposal and made a fresh proposal in which the impugned order is passed merely stating the decision taken by the prevision committee in its 136th meeting held on 21.09.2019.

12. Further, it is also wrong for the 1st respondent to state that it is reopening of the already decided case by filing a fresh application. Time and again it has been held that every fresh application has to be dealt with independently on its merits and the question of reopening or reconsidering does not arise. Therefore the apprehension expressed by the respondent in its impugned order that reopening of the already decided cases based on fresh applications would be inappropriate and would lead to the project proponents filing fresh applications repeatedly till Environmental Clearance is granted is incorrect. There is no prohibition for project proponent to make fresh applications after rectifying the defects, if the earlier applications were not considered and recommended. Admittedly, the rejection orders are not communicated to the project proponent within time. It is reiterated that every time a fresh proposal is filed, the authorities have to independently consider and deal with them.

13. As per EIA Notification, 2006, Stage-IV is appraisal which means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the final EIA report etc., for the grant of Environmental Clearance. The said appraisal is to be made by the SEAC concerned in a transparent manner in the proceedings to which applicant shall be invited for furnishing necessary clarifications in person or through an authorised representative.

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.

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.

.....J.M.  
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.  
(Dr. Satyagopal Korlapati)  
Internet – Yes/No  
All India NGT Reporter – Yes/No

Appeal No.38/2023(SZ)  
6th February, 2024.(AM)

NGT

**Before the National Green  
Tribunal  
Southern Zone (Chennai)**

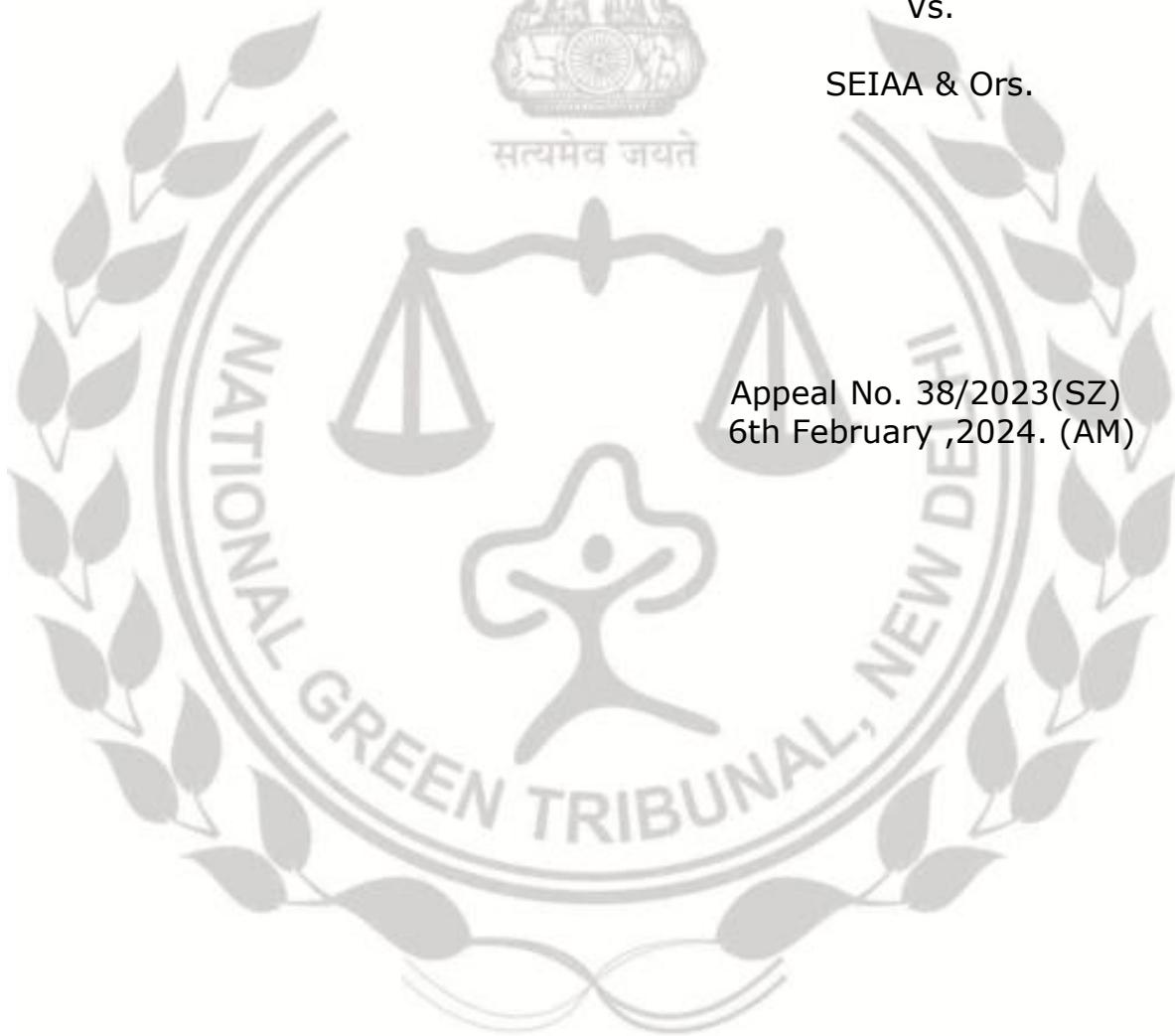
**Appeal No. 38 of 2022(SZ)**



M/s Stone Trust Enterprises  
Vs.

SEIAA & Ors.

सत्यमेव जयते



Appeal No. 38/2023(SZ)  
6th February ,2024. (AM)

**NGT**

**State Expert Appraisal Committee-2 (SEAC-2)**

Minutes of 548<sup>th</sup> meeting of the State Expert Appraisal Committee (SEAC) held on 05.04.2025 (Saturday) at SEAC Conference Hall, 9th Floor, MetroS (CMRL building), Nandanam, Chennai-600035 for Mining Projects and Building & Construction Projects.

**Confirmation of Earlier Minutes**

The minutes of the 547<sup>th</sup> SEAC meeting held on 04.04.2025 were circulated to the Members in advance and as there were no remarks, the Committee decided to confirm the minutes.

Agenda No: 548-01

File No: 11832/2025

Proposed Rough Stone and Gravel quarry lease over an extent of 1.15.5Ha at S.F.Nos.12/1A, 12/1B1 and 12/1B2 of Periyapillaivalasai Village, Shenkottai Taluk, Tenkasi District, Tamil Nadu by Tmt.K.Kasiammal - For Environmental Clearance.

(SIA/TN/MIN/517488/2025, dt: 08/01/2025)

The proposal was placed in 548<sup>th</sup> meeting of SEAC held on 05.04.2025. The details of the project furnished by the proponent are available in the website (parivesh.nic.in).

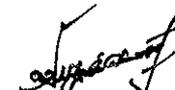
The SEAC-II noted the following:

1. The Project Proponent, Tmt.K.Kasiammal has applied for Environmental Clearance for the Rough Stone and Gravel quarry lease over an extent of 1.15.5Ha at S.F.Nos.12/1A, 12/1B1 and 12/1B2 of Periyapillaivalasai Village, Shenkottai Taluk, Tenkasi District, Tamil Nadu.
2. The proposed quarry/activity is covered under Category "B2" of Item 1(a) "Mining Projects" of the Schedule to the EIA Notification, 2006.
3. The other salient features of the project as submitted by the project proponent are as follows:

File No: 11832/2025	Category	B2
SIA/TN/MIN/517488/2025		1(a)
Sl. No	Salient Features of the Proposal	

  
MEMBER SECRETARY  
SEAC -TN

1

  
CHAIRMAN  
SEAC- TN

The proposal was placed in this 548<sup>th</sup> meeting of SEAC held on 05.04.2025. The details of the project furnished by the proponent are available on the PARIVESH web portal (parivesh.nic.in).

The SEAC-II noted the following:

1. The project proponent, Thiru. P. Eswaran has applied for surrender of Terms of Reference for the Proposed Rough Stone and Gravel Quarry over an extent of 2.04.89 Ha in S.F.Nos. 207/6, 207/7, 209/2B and 209/3, Pongupalayam Village, Tiruppur North Taluk, Tiruppur District, Tamil Nadu.
2. The project/activity is covered under Category "B1" of Item 1(a) "Mining of Minerals Projects" of the Schedule to the EIA Notification, 2006.
3. Earlier, ToR issued Vide Letter. No. SEIAA-TN/F.No.7458/SEAC/ToR-1402/2023, Dated 21.03.2023.
4. Now, PP submitted a request letter to surrender the ToR and withdraw the proposal vide letter dated 21.01.2025.
5. The subject was placed in the 790<sup>th</sup> meeting of SEIAA held on 27.01.2025 & 28.01.2025 where the Authority forwarded the proposal to SEAC for further course of action.
6. Hence, the proposal was placed in this 548<sup>th</sup> meeting of SEAC held on 05.04.2025.
7. During the meeting, PP requested to Surrender the ToR dated 21.03.2023 stating that due to administrative issues and financial crisis, he is not willing to carry out the quarrying operation and due to complexities to conduct Public Hearing.

Based on the above, the Committee accepted the PP's request and recommended for ToR surrender and withdrawal of proposal.

**Agenda No: 548 - 06**

**(File No: 10293/2023)**

Proposed Ordinary stone & Gravel Quarry over an extent of 2.28.0Ha at SF.No. 174/4 & 176/1 of Edayarpalayam Village, Sulur Taluk, Coimbatore District, Tamil Nadu by

**Thiru.K.Ranganathan - For Terms of Reference.**

(SIA/TN/MIN/436694/2023, Dated:14.07.2023)

  
MEMBER SECRETARY  
SEAC -TN

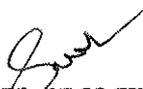
12

  
CHAIRMAN  
SEAC- TN

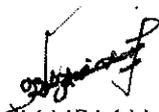
Earlier, the proposal was placed in the 409<sup>th</sup> SEAC Meeting held on 21.09.2023. The details of the project furnished by the proponent are given on the website (parivesh.nic.in).

The SEAC-II noted the following:

1. The Project Proponent, Thiru.K.Ranganathan has applied for Terms of Reference for the Proposed Ordinary stone & Gravel Quarry over an extent of 2.28.0Ha at SF.No. 174/4 & 176/1 of Edayarpalayam Village, Suler Taluk, Coimbatore District, Tamil Nadu.
2. The project/activity is covered under Category "B1" of Item 1(a) " Mining of mineral of the Schedule to the EIA Notification, 2006.
3. The lease period is for 10 years. The mining plan is for the period of five years & the production should not exceed 1,54,977m<sup>3</sup> of Ordinary stone & 33,330m<sup>3</sup> of Gravel with an ultimate depth of mining is 20m BGL. The annual peak production is 31,190m<sup>3</sup> of Ordinary stone & 12,134m<sup>3</sup> of Gravel.
4. PP obtained Tor issued Vide Lr.No.SEIAA-TN/File.No.10293/SEAC/ToR – 1570/2023, dt: 06.10.2023.
5. It is noted that the PP had filed a case in the Hon'ble High Court of Judicature at Madras (Writ Jurisdiction), W.P. No. 14936 of 2024, dated 22.05.2024. To prepare a detailed counter affidavit, the subject was placed before the 740<sup>th</sup> Authority meeting held on 27.07.2024.
6. During the appraisal, the authority noted that the PP has filed a case in Hon'ble High Court of Judicature at Madras (Writ Jurisdiction), W.P.No.14936 of 2024 dated 22.05.2024 .*Call for the records pertaining to the Agenda No.409-12 in Minutes of the 409th meeting of the SEAC dated 21.09.2023 and subsequent Minutes of the 660th meeting of the SEIAA dated 06.10.2023 more particularly Serial No.12, in so far as the petitioner is concerned and the consequential proceedings in Terms of Reference (TOR) in Lr. No.SEIAA-TN/ F.NO.10293/ SEAC/ ToR-1570/ 2023 dated 06.10.2023 issued by the SEIAA respondent and quash the same in so far as Serial No.(2) of the Terms of Reference and direct the SEAC and SEIAA to issue a fresh Terms of Reference to the petitioner.* It was noted that Agenda No.409-12 in Minutes of the 409th meeting of the SEAC

  
MEMBER SECRETARY  
SEAC, TN

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CHAIRMAN  
SEAC- TN

dated 21.09.2023 ,Condition Serial No. 2 states the following, "As wind mill is located nearby, the PP shall submit Modified Mining Plan approved by competent authority leaving a distance of 150m from the wind mill structure" In order to write up the detailed counter affidavit for the above said matter, Authority decided to forward the proposal to SEAC to obtain its remarks regarding the conditions stipulated in earlier issued terms of reference.

The proposal was then placed in the 548<sup>th</sup> meeting of SEAC held on 06.04.2025. **During the meeting, the PP requested additional time to submit documents. Hence, SEAC-II decided to defer the proposal.**

**Agenda No: 548-07**

**File No: 11338/2024**

**Proposed Rough stone & Gravel quarry lease over an extent of 1.78.0Ha at S.F.Nos.140/2 and 141 (Part) of Pattakurichi Village, Tenkasi Taluk, Tenkasi District, Tamil Nadu by Thiru. J. Nagoor Meeran - For Environmental Clearance. (SIA/TN/MIN/499181/2024, Dated: 01/10/2024)**

The proposal was placed in the 548<sup>th</sup> meeting of SEAC held on 06.04.2025. The details of the project furnished by the proponent are available in the website (parivesh.nic.in).

**The SEAC-II noted the following:**

1. The Project Proponent, **Thiru. J. Nagoor Meeran** has applied for Environmental Clearance for the Proposed rough stone & gravel quarry lease over an extent of 1.78.0Ha at S.F.Nos.140/2 and 141 (Part) of Pattakurichi Village, Tenkasi Taluk, Tenkasi District, Tamil Nadu
2. The proposed quarry/activity is covered under Category "B2" of Item 1(a) "Mining Projects" of the Schedule to the EIA Notification, 2006.
3. Earlier, the subject was appraised at the 513<sup>th</sup> SEAC meeting held on 22.11.2024. SEAC provided its recommendations for granting Environmental Clearance, subject to the conditions outlined therein.
4. Subsequently, the subject was placed in 777<sup>th</sup> SEIAA meeting held on 09.12.2024. The authority noted that an RTI petition dated 2.12.2024 had been filed regarding the status of the file. While MS-SEIAA will respond to the petition, the authority decided to gather the facts of the complaint from the proponent. Accordingly, it was decided to forward the file to SEAC for its remarks.

  
MEMBER SECRETARY  
SEAC-TN

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CHAIRMAN  
SEAC- TN

**Item No.04:-****BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI*****Wednesday, the 16<sup>th</sup> day of April 2025.***

[Through Physical Hearing (Hybrid Option)]

**Appeal No.45 of 2024 (SZ) &  
I.A. Nos.65, 66 & 123 of 2024 (SZ)**

IN THE MATTER OF

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

...Appellant(s)

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

...Respondent(s)

For Appellant (s): Mr. S. Saravanan a/w.  
M/s. P. Kokila, K. Priyanka, B. Girija &  
K. Mokshavathy.For Respondent(s): Mrs. P. Kavitha for R1.  
Mr. S. Sai Sathya Jith for R2 & R3.**Judgment Reserved on: 11<sup>th</sup> February, 2025.**

**CORAM:**

**HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

**J U D G E M E N T**

*Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member*

**1.** The above appeal is directed against the order dated **10.04.2024** of the 2<sup>nd</sup> Respondent/State Environmental Impact Assessment Authority (**SEIAA**) – Tamil Nadu (vide Letter No. SEIAA-TN/F.No.9641/2024), rejecting the proposal seeking Environmental Clearance for the proposed black granite (Dolerite) quarry over an extent of 3.06.0 Hectares in S.F. Nos.22/1, 23/1, 23/2, 24/7, 24/8, 25/1, and 25/2 of Semmedu Village, Vikravandi Taluk, Viluppuram District.

**2.** It is essential to review the background and prior proceedings that have led to this appeal before the Tribunal as a second round of litigation.

**3.** The appellant initially applied for a quarry lease for black granite under the Tamil Nadu Minor Mineral Concession (**TNMMC**) Rules, 1959, with the District Collector - Villupuram. The District Collector and the Director of Geology and Mining recommended the proposal to the Industries Department, which issued a Precise Area Communication letter on **29.03.2019**. This letter is said to have directed the appellant to submit an approved mining plan and secure an Environmental Clearance (**EC**).

**4.** According to the appellant, the Environmental Clearance application (File No. 6873) was filed on **25.06.2019**. The appellant claims that during the 136<sup>th</sup> Meeting of the State Expert Appraisal Committee (**SEAC**) – Tamil Nadu on **21.09.2019**, the SEAC insisted on a hydrogeological impact study due to the presence of a nearby waterbody and required a No Objection Certificate (NOC) from the Water Resources Department (WRD) and the District Collector. The appellant asserts that it secured the necessary reports from various authorities, including

the University of Madras and the Geological Survey of India, which supported the feasibility of the project.

5. The appellant claims that due to miscommunication during the COVID-19 period, it withdrew the proposal under **File No.6873** and mistakenly submitted a fresh application in the name of an individual instead of the firm. This second application was later withdrawn. A third application under **File No.9040** was submitted in the appellant's name. According to the appellant, during the 281<sup>st</sup> SEAC meeting on **03.06.2022**, SEAC recommended the proposal for Environmental Clearance, but SEIAA referred it back for additional details, including a water contour map. The appellant states that the requested details were provided, but due to an alleged failure to disclose the history of previous proposals, in the 322<sup>nd</sup> Meeting on **19.10.2022**, SEAC withdrew its earlier recommendation already made in the 281<sup>st</sup> Meeting held on 03.06.2022 and endorsed the decision taken by the previous committee in the 136<sup>th</sup> Meeting held on 21.09.2019.

6. The appellant further claims that after facing continued resistance, it filed a writ petition before the Hon'ble High Court of Madras (**W.P. No. 17246 of 2023**), which directed SEIAA to consider the proposal (File No. 9641) on its merits within three months. Following this order, SEIAA referred the proposal back to SEAC, which in its 404<sup>th</sup> Meeting on **25.08.2023**, noted that the appellant had previously failed to disclose the history of rejection. SEAC concluded that none of the parameters for rejection had changed and decided not to recommend the proposal. SEIAA asserts that it accepted SEAC's recommendation and rejected the proposal during its 655<sup>th</sup> Meeting on **19.09.2023**.

7. The appellant then filed **Appeal No. 38 of 2023 (SZ)** before this Tribunal. The Tribunal, in its order dated **06.02.2024**, outlined the procedural lapses in SEIAA's rejection of the proposal. The Tribunal further observed that SEIAA's decision was based on the 136<sup>th</sup> SEAC meeting's recommendation from 21.09.2019, without conducting a fresh appraisal of the new application filed on 13.12.2022. This Tribunal held that every new application must be evaluated independently on its merits and that reliance on

previous decisions without reassessment violated the EIA Notification. The Tribunal noted that the appellant had submitted additional studies and environmental assessments, which warranted a fresh evaluation. The Tribunal also criticized the language used in the rejection order, particularly SEAC's description of the appellant as "*dishonest*" for not disclosing the earlier rejection. The Tribunal further observed that the first proposal was not formally communicated as rejected to the appellant, and the second proposal was withdrawn with SEIAA's approval. Therefore, the appellant's failure to mention the earlier rejection could not be construed as dishonest. The Tribunal also emphasized that procedural fairness required SEIAA to assess the new proposal objectively, without being influenced by previous outcomes.

**8.** In light of these findings, this Tribunal set aside the rejection order and directed SEIAA to reconsider the proposal (File No. 9641) afresh. It instructed SEIAA to provide the appellant with a personal hearing and conduct a proper appraisal within four weeks. The Tribunal also ordered SEIAA to expunge the word "dishonest" from all official records and communications related to the matter.

**9.** Following the Tribunal's order, SEIAA referred the proposal to SEAC, which considered it afresh in its 446<sup>th</sup> Meeting on **16.02.2024**. SEAC noted that the project site abutted a major water tank, raising concerns over storage capacity, irrigation, and environmental impact. The appellant was given a personal hearing, during which it claimed to have invested significantly in the project and committed to eco-friendly quarrying methods. However, SEAC decided not to recommend the proposal, 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 deployed.

6. Due to this mining activity, flora and fauna will be affected."

**10.** Meanwhile, the Project Proponent/Appellant has given a representation vide Letter dated 22.02.2024 and it was placed in the 704<sup>th</sup> SEIAA Meeting held on 18.03.2024. The SEIAA decided to call the Project Proponent for a personal hearing on 27.03.2024 and accordingly, the Project Proponent attended the meeting. Thereafter, the proposal was placed in the 707<sup>th</sup> SEIAA Meeting on 01.04.2024, and it decided to accept the decision of the SEAC, rejected the proposal citing the following reasons in addition to the SEAC's observation, as stated supra:-

"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."

**11.** Subsequently, the rejection letter was communicated to the appellant, which was received on 13.04.2024 by the appellant.

**12.** The said rejection order, which is impugned in this appeal, is challenged by the appellant mainly on the grounds that the SEAC/SEIAA – Tamil Nadu failed to assess the Appellant's application afresh, but relying on prior observations and issued an arbitrary rejection lacking scientific reasoning. Their evaluation violated the EIA Notification, 2006 and the Tribunal's directive in Appeal No.38 of 2023 (SZ). Despite an initial recommendation for approval, SEAC exhibited bias by rejecting the project while

approving similar proposals, demonstrating discrimination. The SEAC/SEIAA – Tamil Nadu ignored detailed reports, expert approvals, and NOCs from relevant authorities, denying the Appellant a fair hearing and violating natural justice principles. The rejection order is based on shifting, unfounded reasons, contradicting MoEF&CC guidelines. Claims regarding environmental impact, agriculture, and waste disposal lack evidence, particularly given official clearances. The SEAC/SEIAA – Tamil Nadu arbitrary actions undermine transparency and fairness, raising concerns of persistent bias.

**13.** The **MoEF&CC**, which is the **1<sup>st</sup> Respondent**, has filed a counter affidavit dated 02.08.2024, wherein the MoEF&CC reiterates that SEAC, in its 136<sup>th</sup> Meeting on 21.09.2019, rejected the proposal due to the project's proximity to a large water tank, which raised concerns over storage capacity, irrigation, and downstream livelihoods. It highlights that the appellant failed to disclose this earlier rejection when submitting a new application (File No. 9040) in 2022. Though SEAC initially recommended the project in its 281<sup>st</sup> meeting, it withdrew this recommendation in the 322<sup>nd</sup> Meeting, reaffirming the original decision. Following a Hon'ble High Court's order in 2023 directing reconsideration of the proposal, SEAC again refused to recommend the project in its 404<sup>th</sup> and 446<sup>th</sup> Meetings, citing unchanged environmental risks and procedural issues. SEIAA ultimately rejected the proposal in its 707<sup>th</sup> Meeting on 01.04.2024, adding that the project posed risks to water quality, biodiversity, and environmental safety. MoEF&CC maintains that the rejection was lawful and consistent with environmental regulations.

**14.** The **SEIAA and SEAC – Tamil Nadu**, which is **Respondent No.2 and 3** respectively, filed a **counter affidavit dated 04.07.2024**, stating that the appellant applied for environmental clearance for a black granite (dolerite) quarry lease over an extent of 3.06.0 hectares in Semmedu Village, Vikravandi Taluk, Villupuram District, Tamil Nadu. The initial proposal (File No. 6873) was placed before SEAC in its 136<sup>th</sup> Meeting held on 21.09.2019. SEAC decided not to recommend the proposal, noting that the project site abuts a large water tank. SEAC concluded that

the project would adversely affect the tank's storage capacity, impact irrigation and the livelihood of downstream residents, and therefore recommended rejection. SEIAA alleges that the appellant suppressed the earlier rejection while submitting a new application (File No. 9040) on 15.02.2022, for the same project. SEAC recommended the project for approval in its 281<sup>st</sup> Meeting on 03.06.2022. However, SEIAA, during its 527<sup>th</sup> Meeting on 01.07.2022, referred the proposal back to SEAC, seeking additional details, including a water contour map. The appellant later withdrew this proposal through PARIVESH, and SEAC, in its 322<sup>nd</sup> Meeting on 19.10.2022, withdrew the earlier recommendation and reaffirmed the 136<sup>th</sup> Meeting's decision to reject the project.

**15.** Heard the learned counsel appearing for the appellant as well as the respondents and also perused the documents available on record.

**16.** The question that arises for determination is,

**Whether the impugned order of rejection of the SEIAA – Tamil Nadu dated 10.04.2024 is liable to be set aside?**

**17.** The impugned rejection order of the SEIAA – Tamil Nadu is based on the core concern of the potential impact on the water tank, including the risk of reduced storage capacity due to mining waste disposal and possible flooding, water pollution from mine pit discharge affecting irrigation and local water sources, and disruption of the catchment area and natural streams, which may impact surrounding agricultural fields and water flow. These issues, in turn, pose a threat to irrigation, livelihoods, and environmental stability in the region.

**18.** The learned counsel appearing for the appellant argued that the proposed mining site maintains a 50-meter buffer from the Semmedu tank, complying with Rule 36 (1) of the Tamil Nadu Minor Minerals Concession Rules, 1959. The approved Mining Plan and No Objection Certificates (NOCs) confirm no

adverse impact. Further, the study done by the National Institute of Rock Mechanics (NIRM) confirmed that the quarry is safe and will not damage the lake or affect stability. A hydrogeological study from the University of Madras states that natural barriers (rock formations) prevent water contamination.

**19.** In respect of impact on agriculture (Ayakkattu) or catchment area, it is contended that the mining site is primarily owned by the Project Proponent and classified as 'Arid' land and the agricultural land is located 800 meters downstream, unaffected by the project. Moreover, no natural streams exist within the mining area; rainwater is the tank's primary source. Garland drains and settling ponds are implemented to prevent water pollution.

**20.** It is further argued by the appellant that the extracted water is repurposed for greenbelt development. Semmedu Village has been declared a flood-free zone; a bund will be constructed as a precaution. The mining plan ensures proper waste management within the lease area, countering claims of pollution. The Forest Department issued an NOC, confirming no significant wildlife or ecological sensitivity in the area.

**21.** On the other hand, the learned counsel for the SEAC/SEIAA – Tamil Nadu defended the rejection order, arguing that, as authorities with environmental expertise, the SEAC and SEIAA thoroughly evaluated the proposal and rightly raised valid concerns about its potential impact on the Semmedu tank's storage capacity, irrigation, and local livelihoods. Further, the project site is in the tank's catchment area, raising concerns about the effects on agricultural fields. The risk of mining activities disturbing natural streams and contaminating water bodies. Due to mining activity, there is a possibility of tank water flooding the mine pit, including potential harm to flora and fauna.

**22.** The Appellant has demonstrated that the proposed mining site maintains a 50-meter buffer from the Semmedu tank, complying with Rule 36 (1) of the Tamil Nadu Minor Minerals Concession Rules, 1959. The approved Mining Plan, Precise Area Communication letter, and District Survey Report (DSR) confirm

this. Mining operations are limited to a depth of 37 meters, with the first five years restricted to 7 meters. As the water table is at 47-51 meters, groundwater remains unaffected. Additionally, 62% of the 3.06-hectare area is designated for environmental conservation. Scientific studies by the National Institute of Rock Mechanics (NIRM) and the University of Madras confirm that the quarry is safe, will not damage the lake or affect stability, and that natural rock formations act as barriers. The Semmedu Lake sluice and bund are 800m and 500m away, ensuring no impact on water storage capacity. The SEAC/SEIAA's concerns regarding the adverse effect on storage capacity, irrigation, and livelihood lack technical evidence contradicting these findings.

**23.** The Executive Engineer, PWD, WRD, Lower Pennaiyar Division, Villupuram, issued a NOC confirming no impact on inflow, catchment area, or functionality. Concerns about the project's impact on agricultural fields (Ayakkattu) and the catchment area are unfounded. The surrounding land, primarily owned by the Project Proponent, is classified as 'Arid'. Agricultural fields are over 800 meters downstream and unaffected. Therefore, SEAC/SEIAA's rejection based on potential agricultural damage lacks concrete evidence.

**24.** With regard to water management and pollution control, the Appellant has implemented mitigation measures, including garland drains, settling ponds, and controlled water discharge. The assertion that mine pit water will be discharged into natural water bodies appears speculative, given the NOC from WRD, PWD. No natural streams exist within the mining site, reducing the likelihood of water contamination.

**25.** Regarding flood risk and waste disposal, Semmedu Village is officially designated as a flood-free zone, with the Appellant planning additional bund construction as a precautionary measure. The mining plan ensures in-site waste management, making the assumption of improper waste disposal speculative.

**26.** Further, the NOC from the Forest Department confirms no significant wildlife presence or ecologically sensitive zones in the area. Though there is a general statement that mining activity

will impact flora and fauna, the authority has not provided any specific observations or scientific analysis to support this assertion. Hence, SEAC/SEIAA's concerns about flora and fauna lack substantiated evidence.

**27.** It is not out of place to mention that the SEAC/SEIAA – Tamil Nadu is well aware of the fact that the proposal of the appellant has been rejected earlier by the authorities and this Tribunal remitted back the matter for re-consideration in accordance with law, vide its judgment dated 06.02.204 in **Appeal No.38 of 2023 (SZ)**.

**28.** In the present scenario also, the rejection of the Appellant's EC application reflects a failure by SEIAA to base its decision on any established legal or regulatory framework. SEIAA's decision primarily relied on the earlier recommendation from the 136<sup>th</sup> SEAC meeting, despite the submission of new hydrogeological studies and environmental impact assessments. The absence of any reference to specific statutory norms or guidelines to justify the rejection raises serious questions about the validity of the decision-making process. The decisions must be supported by objective criteria, grounded in existing legal and scientific standards, and not influenced solely by past outcomes.

**29.** In **Civil Appeal Nos.15 – 16 of 2020 dated 04.07.2023 [Hindalco Industries Limited Renukoot Plant Vs. Ashwani Kumar Dubey & Ors.]**, the Hon'ble Supreme Court held that environmental authorities cannot impose conditions or reject proposals without a legal basis under the Environment (Protection) Act, 1986, or the Environment (Protection) Rules, 1986. The Court found that deviation from established norms requires specific justification and that decision-making must reflect consistency with statutory provisions.

**30.** Similarly, in the present case, SEIAA's rejection lacks any reference to applicable environmental regulations or scientific guidelines, reflecting an arbitrary exercise of discretion. The absence of a clear legal or scientific basis for rejection undermines the procedural integrity of the environmental clearance process. SEIAA was obligated to independently assess the merits of the

appellant's updated proposal rather than relying on prior decisions. The failure to engage with the updated evidence and to justify the rejection based on established environmental standards constitutes a breach of procedural fairness and natural justice and thus, warrants reconsideration.

**31.** In light of the above findings, this Tribunal finds the rejection order of the SEIAA -Tamil Nadu is liable to be set aside.

**32.** Accordingly, the appeal [**Appeal No.45 of 2024 (SZ)**] is allowed and the impugned rejection order dated 10.04.2024 passed by the SIEAA - Tamil Nadu vide Letter No.SEIAA-TN/F.No.9641/2024 is set aside. The matter is remitted back again to the SEIAA – Tamil Nadu for fresh consideration with a direction to pass appropriate orders after providing an opportunity of hearing to the Appellant/Project Proponent within a period of 6 (Six) weeks.

**33.** In view of the above, the interlocutory applications [**I.A. Nos. 65 & 66 of 2024 (SZ)**] seeking directions to (i) the 1<sup>st</sup> Respondent to form a committee with MoEF&CC members from IRO, Chennai, for site inspection and report submission, and (ii) the SEAC and SEIAA to justify the approval of similar proposals, are found unnecessary and are hereby closed. Likewise, the interlocutory application [**I.A. No. 123 of 2024 (SZ)**] to submit additional documents on similar proposals is deemed irrelevant and is accordingly closed.

**Sd/-**  
**Smt. Justice Pushpa Sathyanarayana, JM**

**Sd/-**  
**Dr. Satyagopal Korlapati, EM**

Internet – Yes/No

All India NGT Reporter – Yes/No

**Appeal No.45/2024 (SZ)**  
**I.A. Nos.65, 66 &123/2024 (SZ)**  
**16<sup>th</sup> April, 2025. Mn.**



सत्यमेव जयते

**File No.: 12220**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**(Issued by the State Environment Impact Assessment Authority(SEIAA),**  
**TAMIL NADU)**

\*\*\*



Dated 19/08/2025



To,

Thiru. K.Ranganathan  
 S/o.Karuppisamy,Np.11/243, Kurumbapalauam Road,Madukkarai,Coimbatore District,TAMIL NADU-  
 641105  
 rangnathansps@gmail.com

**Subject:** Amendment in prior Terms of Reference (ToR) granted to the project under the provision of the EIA Notification 2006 and as amended thereof regarding.

**Sir/Madam,**

**Sub:** SEIAA-TN – Amendment to Terms of Reference for the Proposed Rough stone and Gravel Quarry over an Extent of 2.28.0 Ha at S.F.Nos. 174/4 & 176/1, Edayarpalayam Village, Sulur Taluk, Coimbatore District, Tamil Nadu by Thiru. K.Ranganathan – under Category “B1” and Schedule Sl. No. 1(a) “Mining of Minerals Projects” under the EIA Notification, 2006 as amended – Amendment to Terms of Reference– Issued – Regarding.

**Ref:** 1. Earlier, ToR issued vide Lr No.SEIAA-TN/F.No. 10293/SEAC/ToR-1570/2023, Dated :06.10.2023.

2. Online proposal No. SIA/TN/MIN/537484/2025 dated 26.05.2025.

3. Minutes of the 594th meeting of SEAC held on 18.07.2025.

4. Minutes of the 866th SEIAA meeting held on 06.08.2025.

2. The particulars of the proposal are as below :

<b>(i) TOR Identification No.</b>	TO25B0108TN5650668A
<b>(ii) File No.</b>	12220
<b>(iii) Clearance Type</b>	Amendment in TOR
<b>(iv) Category</b>	B1
<b>(v) Schedule No./ Project Activity</b>	1(a) Mining of minerals
<b>(vi) Name of Project</b>	Edayarpalayam Village Ordinary Stone and Gravel Quarry
<b>(vii) Location of Project (District, State)</b>	COIMBATORE, TAMIL NADU
<b>(viii) Issuing Authority</b>	SEIAA
<b>(ix) Applicability of General Conditions</b>	No

Terms of Reference was issued vide Lr No.SEIAA-TN/F.No. 10293/SEAC/ToR-1570/2023, Dated :06.10.2023. to Thiru. K. Ranganathan for the Proposed Rough stone and Gravel Quarry over an Extent of 2.28.0 Ha at S.F.Nos. 174/4 & 176/1, Edayarpalayam Village, Sulur Taluk, Coimbatore District, Tamil Nadu.

Now, the Proponent has again applied Amendment to Terms of Reference vide Online proposal No. SIA/TN/MIN/522153/2025, Dated: 05.02.2025.

#### **Discussion of SEAC:**

**Proposed Rough stone and Gravel Quarry over an Extent of 2.28.0 Ha at S.F.Nos. 174/4 & 176/1, Edayarpalayam Village, Sulur Taluk, Coimbatore District, Tamil Nadu by Thiru. K.Ranganathan – For Amendment to Terms of Reference with public hearing. (SIA/TN/MIN/537484/2025 dated 26.05.2025)**

The proposal was placed in this 594th meeting of SEAC held on 18.07.2025. The details of the project furnished by the proponent are available on the PARIVESH web portal (parivesh.nic.in).

#### **The SEAC noted the following:**

1. The Project Proponent, **Thiru. K. Ranganathan** has applied for Amendment to Terms of Reference for Proposed Rough stone and Gravel Quarry over an Extent of 2.28.0 Ha at S.F.Nos. 174/4 & 176/1, Edayarpalayam Village, Sulur Taluk, Coimbatore District, Tamil Nadu.

2. The project/activity is covered under Category “B1” of Item 1(a) “Mining of Minerals” of the Schedule to the EIA Notification, 2006 as amended.

3. As per the precise area communication, the lease period is 10 years and as per approved modified mining plan, mining plan period is for 5 years & production should not exceed 1,59,894 m<sup>3</sup> of Rough Stone & 30,646 m<sup>3</sup> of Gravel. As per the approved modified mining plan, the annual peak production shall not exceed 32,832m<sup>3</sup> of rough stone & 12,200m<sup>3</sup> of Gravel for an ultimate depth of 32.0m BGL.

4. Earlier the proposal was placed in this 578th meeting of SEAC-II held on 13.06.2025. SEAC-II noted that Earlier ToR issued vide Lr No.SEIAA-TN/F.No. 10293/SEAC/ToR-1570/2023, Dated :06.10.2023 pertaining to file no.10293/2023. The PP had applied for the amendment of ToR dated 06.10.2023 requesting to reduce the safety distance 150m to 70m from wind mill. Based on the presentation and details furnished by the project proponent, SEAC-II decided to defer the proposal and call for additional particulars as follows.

1. The PP shall submit the modified mining plan incorporating the safety distance of 70m from windmill and the same shall be approved by the competent authority.

5. Now, the proponent in his reply letter dated 13.05.2025 has submitted the approved modified mining plan by incorporating the safety distance of 70m to the windmill and requested to consider the proposal.

Based on the proponent’s reply, the proposal was placed in this **594th meeting of SEAC held on 18.07.2025.**

**Based on the presentation and documents furnished by the project proponent, SEAC-II decided to recommend the Amendment in the Terms of Reference (TOR) along with Public Hearing subject to the following additional TORs & ToRs in Annexure of this minutes, in addition to the standard terms of reference for EIA study for non-coal mining projects and details issued by the MOEF & CC to be included in EIA/EMP Report:**

1. The PP is requested to carry out the EIA study for the revised quantities and to prepare the EMP accordingly.

2. **A Cluster Management Committee (CMC) shall be constituted including all the mines in the cluster as Committee Members for the effective management of the mining operation in the cluster through systematic & scientific approach with appointment of required statutory personnel, appropriate environmental management, system of maintaining the haul roads and village/panchayat roads, authorized blasting operation, Monitoring system of the environmental & other statutory compliances & its reporting methodology, etc. The PP shall submit the following details in the form of an Affidavit during the EIA appraisal:**

**(i) Copy of the agreement forming CMC.**

**(ii) The Organisation chart of the Committee with defining the role of the members**

**(iii) The ‘Standard Operating Procedures’ (SoP) executing the planned activities.**

3. The PP shall ensure the installation of CCTV at the proposed quarry site and ensure its inclusion during the EIA presentation.

4. The proponent shall furnish photographs of adequate fencing, garland drainage built with siltation tank & green belt along the periphery; maintaining the safety distance between the adjacent quarries & water bodies nearby provided as per the approved mining plan.

5. All other conditions mentioned in the ToR dated 06.10.2023 will remain unchanged and unaltered.

#### **Discussion of SEIAA:**

The subject was placed in the 866<sup>th</sup> Authority meeting held on 06.08.2025. The authority noted that the proposal was placed in the 594<sup>th</sup> SEAC meeting held on 18.07.2025. Based on the presentation and documents furnished by the project

proponent, SEAC-II decided to recommend the Amendment in the Terms of Reference (TOR) along with Public Hearing along with conditions stated therein.

After detailed discussions, the Authority accepts the recommendations of SEAC-II and decided to grant an amendment to the Terms of Reference issued earlier vide letter dated.06.10.2023, by reducing the safety distance to windmill from 150m to 70m, subject to the following conditions:

1. The additional ToRs proposed by SEAC should be studied and included in the EIA Report.
2. All other conditions and validity mentioned in the ToR dated.06.10.2023 shall remain unchanged and unaltered

**Copy**

**To**

1. The Secretary, Ministry of Mines, Government of India, Shastri Bhawan, New Delhi.
2. The Additional Chief Secretary to Government, Environment and Forests Department, Tamil Nadu.
3. The Additional Chief Secretary to Government, Natural Resources Department, Tamil Nadu.
4. The Additional Principal Chief Conservator of Forests, Regional Office (SZ), 34, HEPC Building, 1st& 2nd Floor, Cathedral Garden Road, Nungambakkam, Chennai – 34.
5. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-Cum-Office Complex, East Arjun Nagar, New Delhi-110 032.
6. The Chair Person, TNPC Board,76, Mount Salai, Guindy, Chennai-32
7. The District Collector, Coimbatore District
8. The Commissioner of Geology and Mines, Guindy, Chennai-32
9. Assistant Director, Department of Geology & Mining, Coimbatore District
10. EI Division, Ministry of Environment & Forests, Paryavaran Bhawan, New Delhi.
11. File Copy.



**Signature Not Verified**

Digitally Signed by : A R Rahul Nadh IAS  
Member Secretary, SEIAA

Date: 19/08/2025