

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION NO. 145 OF 2024

Arunkumar Sermakkani and Ors.

.....APPLICANT(S)

VERSUS

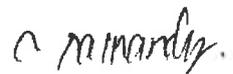
The Union of India and Ors.

.....RESPONDENT(S)

REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.1 i.e., THE UNION OF INDIA, THROUGH ITS SECRETARY, MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

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

1. That, I am acquainted with the facts and circumstances of the instant Original Application and duly competent to swear the present reply affidavit on behalf of the Ministry of Environment, Forest Climate Change based on the official records maintained therein.
2. It is humbly submitted at the very outset that the contents of the Original Application unless specifically admitted, are denied to the extent that they are inconsistent with the submissions made hereinafter.



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3. It is humbly submitted that the Applicant has filed the present Original Application against the operation of a steel rolling mill by M/s. Indus TMT Industries Limited, located in Krishnagiri District of Tamil Nadu. It is alleged that the operation of this mill is in non-compliance with several conditions stipulated in the Environmental Clearance (hereinafter referred to as "EC") dated 14.06.2017, particularly specific conditions no. (xiv), (xviii), and (xx), as well as general condition no. (iv). The Applicant has further contended that the Project Proponent obtained planning permission in 2018 from the Directorate of Town and Country Planning for the unit's expansion and has subsequently expanded the project without submitting the required proposal or application for a fresh EC to the SEIAA for such expansion, as mandated by the Environment Impact Assessment Notification, 2006 (hereinafter referred to as "EIA Notification").
4. It is humbly submitted that in the exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government promulgated EIA Notification, 2006, which was notified vide S.O. 1533(E) dated 14th September mandating prior EC for various categories of projects as listed in the Schedule of the notification.
5. It is humbly submitted that subsequent to the issuance of EIA Notification, 2006, ECs pertaining to the following category of projects are now mandatorily required:
- All new projects listed in Schedule to EIA Notification, 2006.
 - Expansion and modernization of existing projects or activities listed in the Schedule.
 - Any change in product mix in an existing manufacturing unit included in the Schedule.

All projects, based on the potential to impact the environment are divided into Category "A" and Category "B". Category "B" is further divided into Category "B1" and Category "B2" depending upon the spatial extent of impacts on natural and man-made resources as well as impacts on human health. A true copy of the EIA Notification dated 14.09.2006 is annexed herewith as **ANNEXURE RI/1**.

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6. It is humbly submitted that any project or activity categorized under 'A' in the Schedule, which includes expansions, modernizations of existing projects or activities, as well as changes in product mix, must obtain prior EC from the Central Government within the MoEF&CC. The decision of the MoEF&CC is based on the recommendations of the Expert Appraisal Committee (referred to as "EAC") established by the Central Government for the purpose of this notification.
7. It is further submitted that all projects or activities included as Category 'B' in the Schedule require prior EC from the State/Union Territory Environment Impact Assessment Authority. The SEIAA shall base its decision on the recommendations of a State or Union territory-level Expert Appraisal Committee (hereinafter referred to as "SEAC") established in accordance with this notification. Moreover, in case of the absence of a duly constituted SEIAA or SEAC, the Category 'B' project shall be considered at the Central level as a Category 'B' project.
8. It is humbly submitted that the EC granted by the SEIAAs is monitored by the concerned Regional Office of the Ministry. This monitoring primarily focuses on ensuring compliance with the conditions set forth in the EC granted by the concerned SEIAAs. Further, in the exercise of the powers conferred by section 23 of the Environment (Protection) Act 1986, the Central Government delegated the powers vested in it under section 5 of the said Act to all the State and Union Territory Environment Impact Assessment Authorities (hereinafter referred to as "the said authorities") constituted by the Central Government under sub-section (3) of section 3 of Environment (Protection) Act, 1986, to issue show cause notice to project proponents in cases of violation of the conditions specified in the ECs issued by the said Authorities to projects or activities within their respective jurisdictions. Furthermore, the SEIAA is also authorized to issue directives to project proponents, including suspending or revoking the ECs if violations necessitate such actions. A true copy of the Notification no. S.O.637(E) dated 28.02.2014 is annexed herewith as **ANNEXURE R1/2**.

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9. It is humbly submitted that based on the information provided above, SEIAA, is the Nodal Authority for dealing with the cases relating to violations/ non-compliances alleged against the ECs granted at the level of SEIAAs. Furthermore, upon receipt of notice in the present matter, the Ministry has issued letter no. IA-L-11011/36/2024-IA-I dated 16.07.2024 to SEIAA, Tamil Nadu, requesting them to take immediate and appropriate action in the matter and submit an action taken report to the Ministry.
10. In light of the above-stated facts and circumstances, it is most humbly prayed that the Hon'ble Court may kindly be pleased to take the present Reply Affidavit on record and may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.
11. It is most humbly submitted that the Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings.

[Handwritten Signature]
 For R.F.
 Dt: 30.07.2024

[Handwritten Signature]
 DEPONENT

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Notary Public