

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

Original Application No. 211 of 2021

P. Palaniappan,
S/o. Ponnusamy,
Meenangadu, Masinaickenpatti PO,
Salem District – 636 103.

...Applicant

-Vs-

The Ministry of Environment,
Forest and Climate Change,
Rep.by.its Under Secretary,
3rd Floor, Prithvi-Block,
Indira Paryavaran Bhavan,
Jorbagh Road,
New Delhi – 110 003 and 14 Others.

...Respondents

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**Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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Jorbagh Road,
New Delhi – 110 003 and 14 Others.

...Respondents

**REPORT FILED ON BEHALF OF THE FOURTH AND NINTH
RESPONDENTS – TAMIL NADU POLLUTION CONTROL BOARD.**

I, S.Palanisamy, Son of S.Santhappan, aged about 59 years, having my office at No. 76, Mount Salai, Guindy, Chennai - 600032, do hereby solemnly affirm and sincerely state as follows:-

I submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this report on behalf of fourth and ninth respondents and as such I am well acquainted with the facts of the case from the records available in our office.

2. It is respectfully submitted that the applicant has filed the OA seeking with the prayer that “to take appropriate action against the Respondent No.11 to 15 for illegal Quarry/Crusher operation done by them in gross violation to the condition imposed in the relevant licenses, consent order and clearances” and other certain prayers.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

3. It is respectfully submitted that this Hon'ble Tribunal on 23.02.2024 directed, inter alia, as follows:

"....5.3 The penalty is levied only by the Commissioner of Mines and Geology Department, based on which, the Tamil Nadu Pollution Control Board would impose the environmental compensation which exercise is yet to be done.

5.4 Therefore, we direct the TNPCB also not to grant any consent if the penalty levied by the Mines and Geology Department as well as the proposed penalty by the TNPCB is fully paid".

4. It is respectfully submitted that in compliance with the Hon'ble NGT order 23.2.2024, the Environmental Compensation was calculated based on the assessment carried out by Mining & Geology Department for the excessive mining and illegal mining carried out by the respondents No.11 to 15 and to comply the NGT Order dated 23.2.2024, the assessment for the Environmental Compensation for illegal mining, the DEE, Salem has addressed a letter dated 1.4.2024 to the Board. (Enclosed as Annexure – 1).

5. It is respectfully submitted that the Board has issued Show Cause Notices dated 03.06.2024 under Section 5 of the Environment Protection Act, 1986, to the following five units as to why Environmental Compensation shall not be levied under the Environmental Protection Act, 1986, for carrying out excess mining and illegal mining (Enclosed as Annexure – II). The details of remittance of Environmental compensation by units to the Board are submitted below.

| Sl. No | Name of the respondents | EC @10% on total amount levied (Rs.) | EC amount remitted by the Respondent | Remittance receipt details |
|--------|---|--------------------------------------|--------------------------------------|----------------------------|
| 1. | Tvl. Sri Parasakthi Crusher Private Limited –R11 | 468017.5 | 468020 | 228 dated 01.07.2024 |
| 2. | Tmt.K.Neela W/o.M.Karunan– R12 | 488622.3 | 488625 | 230 dated 01.07.2024 |
| 3. | Thiru.T.Kasiviswanathan S/o. Thangavel Udaiyar – R13 | 2135759.5 | Not remitted | |


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

| | | | | |
|----|--|-------------------|--------------|-------------------------|
| 4. | Thiru. Selvakumar– R14 | 9800025.20 | Not remitted | |
| 5. | Thiru.B.Gokulnath S/o.P.Baskaran- R15 | 4523.1 | 4525 | 229 dated 01.07.2024 |
| | Total | 12896947.6 | | |

6. It is respectfully submitted that the respondent No.11, 12 and 15 have remitted the Environmental Compensation amount to the Board on 1.7.2024, whereas the other two respondents No. 13 and 14 have not remitted the Environmental Compensation amount to the Board and furnished replies to the Show Cause Notices vide their letter dated 02.07.2024 & 22.07.2024 respectively, wherein it has been stated that the penalty amount assessed and imposed by the RDO, Salem was incorrect and submitted that their appeal is pending before the District Collector, Salem to waive their entire penalty amount and further stated that because of the appeal is pending with the District Collector, Salem, they are not liable to pay the EC amount imposed by the Tamil Nadu Pollution Control Board which was calculated @ 10% of the total penalty imposed by the Revenue Divisional Officer, Salem.

7. It is respectfully submitted that, as the replies submitted by the respondent No.13 and 14 were not satisfactory, the DEE, Salem, TNPCB has recommended to the Board vide letter dated 19.08.2024 to issue necessary directions under Section 5 of the Environment (Protection) Act, 1986 to the Respondent Quarry units (R13 & R14) to remit the calculated Environmental Compensation amount. (Letter dated 19.08.2024 is enclosed as Annexure – III).

8. It is respectfully submitted that subsequently, the Board has issued directions vide Proc. Dated 20.11.2024 under Section 5 of the Environment (Protection) Act, 1986 to the Respondent Quarry units (R13 & R14) namely M/s. Sri Vijayalakshmi Bluemetals represented by its proprietor, T.Kasiviswanathan and M/s. Lavanya Rough stone and Gravel Quarry, M/s.D Lavanya Rough Stone Quarry,& M/s. Giri Sahajanya Projects represented by its proprietor, Thiru. Selvakumar to remit the Environmental Compensation amount of Rs.2135759.5/- and Rs.9800025.20/- respectively in respect of compliance with the order of the Hon'ble NGT (SZ) in the O.A. No.211 of 2021, dated

S. S. 20/12/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.


23.02.2024. (Board Directions 1 & 2 dated 20.11.2024 is enclosed as Annexure – IV)

In the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

VERIFICATION

I, S.Palanisamy, Son of S.Santhappan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.



TAMILNADU POLLUTION CONTROL BOARD

From
Er. G. Udhayakumar, M.E., M.Tech.,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
1/276, Meyyanur Main Road,
Salem – 636004

To
The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy,
Chennai –
600 032.

**Lr. No. F.SLM/DEE/TNPCB/SLM/NGT/OA 211-2021/Environmental Compensation/
2024, Dt. 01.04.2024**

Sir,

Sub: TNPCB, Salem – Order of Hon'ble NGT (SZ), Chennai in OA 211/2021-
P.Palaniappan vs MoEF&CC and Others- Environmental Compensation –
Report submitted - Reg.

Ref: Order of Hon'ble NGT(SZ) in the O.A. no.211 of 2021,dated 23.02.2024,

I submit to state that Thiru. P. Palaniappan S/o.Ponnusamy, Meenangadu, Masinaickenpatty Post, Salem District had filed an Original Application No. 211 of 2021 (SZ) before the Hon'ble National Green Tribunal, South Zone, Chennai regarding the pollution caused on account of conducting of quarrying and crusher operation by following respondents (mentioned below) with prayer to.

- i. *To take appropriate action against the respondents 11 to 15 for the illegal quarry/crusher operations done by them in gross violation to the conditions imposed in the relevant licenses, consent orders and clearances.*
- ii. *Damage caused by the respondents 11 to 15 to the environment or particularly in Masinaickenpatti village and recover the compensation for the same from the respondents 11 to 15.*
- iii. *Cancel the licenses, consent order and clearances granted in favour of the respondents 11 to 15.*
- iv. *To close down the quarry/crusher units on account of the serious environmental degradation caused by them.*
- v. *And pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.*

Table 1 - Details of Respondents

| S.No | Respondent | Name of the unit |
|------|------------|--|
| 1 | R11 | M/s. Shre Parasakthi Crusher Pvt. Ltd. Rep. by Thiru P. Bhaskar |

| | | |
|---|-----|---|
| | | 243/19, Varangampady, Masinacikenpatty PO, Salem District - 636103 |
| 2 | R12 | M/s. Sri Annamar Blue Metals Rep. by its proprietor, Varagampady Main Road, Kasinagar, Masinacikenpatty PO, Salem District - 636103 |
| 3 | | M/s. K Neela Rough Stone Quarry Rep. by its proprietor Tmt. K. Neela W/o. Thiru Karunan |
| 4 | R13 | M/s. Sri Vijayalakshmi Bluemetals rep. by its proprietor Thiru. T. Kasiviswanathan Meenangadu, Mango Farm, Masinacikenpatty PO, Salem District - 636103 |
| 5 | R14 | M/s. Lavanya Rough stone and Gravel Quarry, M/s. D Lavanya Rough Stone Quarry, & M/s. Giri Sahajanya Projects Rep. by Thiru. K. Selvakumar 199/10, Sakthi Nagar, Masinacikenpatty PO, Salem District - 636103 |
| 6 | R15 | M/s. B Gokulnath Rough Stone Quarry Rep. by B Gokulnath S/o. P. Bhaskar No. 100 NA, Meenangadu, Masinacikenpatty PO, Salem District - 636103 |

Based on the above prayer, it is submitted that, vide Order dated 30.09.2021 in O.A No.211 of 2021, the Hon'ble NGT (SZ) had constituted a Joint Committee comprising of

1. A Senior Officer from MoEF & CC, Integrated Regional Office, Chennai
2. A Senior Scientist from Central Pollution Control Board, Integrated Regional Office, Chennai
3. A Senior Officer from State Level Environment Impact Assessment Authority, Chennai
4. The District Environmental Engineer of the concerned Tamil Nadu Pollution Control Board and
5. The Assistant Director of Geology and Mining, Salem

to inspect the units in question and submit a factual as well as action taken report, if there is any violation found.

4) Further, it is submitted that, the National Green Tribunal, (Southern Zone) has been directed the Committee members to submit the report in the following aspects.

- i. *whether respondents 11 to 15 are having proper environment clearance and other permissions required under the environmental laws,*
- ii. *if they are having, which they have committed any violation of the conditions imposed,*
- iii. *whether the pollution Control mechanism provided are sufficient to curb the air and noise pollution, if not what is the further remedial measures to be taken to mitigate the situation.*
- iv. *whether respondents 11 to 15 are using explosives other than the permissible one and also doing drilling than the permitted limit thereby causing heavy noise pollution and vibration in that area.*
- v. *whether on account of their operation, the ground water level in the area is affected*
- vi. *Due to the alleged dust pollution whether any damage has been caused to the nearby agricultural fields*
- vii. *On account of the violations whether any environment damage has been caused and if so, assess the environmental damage and also assess environmental compensation apart from suggesting remedial measures for restoring the damage caused to environment*
- viii. *Whether any excess mining has been done other than in the permitted area and also within the mining area but in prohibited area such as in safer zone and buffer zone to be provided as per the mining lease, if so what is quantity of excess/ illegal mining and assess the value of the same as mentioned in Common Cause Case to be recovered from persons responsible for the same.*

In compliance to the above direction of the Hon'ble NGT, the Joint Committee inspected the crusher and quarries on 29.10.2021 and 01.11.2021. Subsequently, the Joint committee submitted its interim report on 22.03.2022 and the copy of the same is enclosed as **Annexure 1**.

Subsequently, the Hon'ble NGT has passed various orders over the period of time, based on which reports were submitted to the Board from this office.

Now, the Hon'ble NGT in its order dated 23.02.2024 (Copy Enclosed as **Annexure 2**) cited above, has stated the following among others interalia

5.3 The penalty is levied only by the Commissioner of Mines and Geology Department, based on which, the Tamil Nadu Pollution Control Board would impose the environmental compensation which exercise is yet to be done.

5.4 Therefore, we direct the TNPCB also not to grant any consent if the penalty levied by the Mines and Geology Department as well as the proposed penalty by the TNPCB is fully paid.

In view of the above, I submit to state the following regarding the assessment of Environmental Compensation for the respondent units.

| (1) | (2) | (3) | (4) | (5) | (6) | Hects.), Classifica tion | Cbm) | Cbm) |
|-----|---|---|--|----------|--------|--------------------------------|----------|--------|
| (1) | (2) | (3) | (4) | (5) | (6) | | (7) | (8) |
| 1. | Tvl. Sri Parasakthi Crusher Private Limited | 243/1(Part) - 1.37.0 Hects Patta land | 5 Years From 15.7.2018 To 14.7.2023 | 79,325 | - | - | - | - |
| 2. | Tmt.K.Neela W/o.M.Karunan | 199/1(P)-1.00.0 Hects. Govt. Poramboke land | 10 Years From 31.01.2020 to 30.01.2030 | 36,604 | 5,786 | 199/1 (P), 0.13.01 Hects. | 5,204 | 1,301 |
| 3. | Thiru. T.Kasivis wanathan | 219 (Part) 2.00.0 Hects. Govt. Poramboke land | 10 Years. From 18.6.2009 to 17.6.2019 | 86,889 | 6,111 | 219(P) 0.20.19 Hects. | 35,626 | 2,019 |
| 4. | Thiru.Selvakumar | 199/1 (Part)- 3.00.0 Hects. Govt. Poramboke land | 10 years from 22.09.2006 to 21.09.2016 | 1,45,566 | 10,896 | 199/1 (Part)- 1.04.45 Hects. | 1,98,265 | 10,435 |
| 5 | Thiru.B.Gokulnath S/o.P.Baskaran | 241/14 (Part)- 1.00.0 Hects. Govt. Poramboke land | 10 Years From 29.12.2020 to 28.12.2030 | 492 | 491 | - | - | - |

Further, it is submitted that the Deputy Director (DD), Department of Geology and Mining, Salem in its report dated 02.02.2024 (Copy enclosed as **Annexure 3**) submitted to the Hon'ble NGT (SZ), has stated that the Revenue Divisional Officer (RDO), Salem has imposed penalty for the above respondents for carrying out excessive mining and illegal mining (details mentioned in the Table 3 below).

Based on the order of the Hon'ble NGT (PB) dated 25th March 2015 in OA 73 of 2014 mentioned above, it is submitted that Environmental Compensation is assessed as 10% of the total penalty imposed by the DD Mines, and the details of the same is mentioned in the table below

Table 3 - Assessment of Environmental Compensation based on the quantity of mineral transported in leased out and non-leased out area

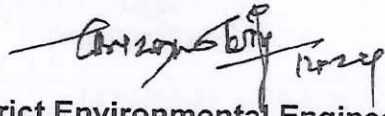
| Sl. No. | Name of the respondents | Penalty levied by the RDO, Salem for mineral quarried and transported excessively within lease hold area (in Rs.) | Penalty levied by the RDO, Salem for mineral quarried and transported illegally in non leased out area. (in Rs.) | Total penalty levied the RDO, Salem (in Rs.) | Assessment of Environmental Compensation @10% on total penalty levied (Cost of the ecological services foregone and the cost of mitigation and restoration) (in Rs.) |
|---------|---|---|--|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | Tvl. Sri Parasakthi Crusher Private Limited -R11 | 4680175 | - | 4680175 | 468017.5 |
| 2. | Tmt.K.Neela W/o.M.Karunan- R12 | 2350574 | 2535649 | 4886223 | 488622.3 |
| 3. | Thiru.T.Kasivis wanathan S/o. Thangavel Udaiyar - R13 | 5328114 | 16029481 | 21357595 | 2135759.5 |

| | | | | | |
|----|--|-----------------|------------------|------------------|-------------------|
| 4. | Thiru. Selvakumar- R14 | 8947962 | 89052290 | 98000252 | 9800025.20 |
| 5 | Thiru.B.Gokulnath S/o.P.Baskaran- R15 | 45231 | - | 45231 | 4523.1 |
| | Total | 21352056 | 107617420 | 128969476 | 12896947.6 |

In this regard, it is submitted that show cause notices may be issued to the above units as to why Environmental Compensation shall not be levied under the Environmental Protection Act, 1986, for carrying out excessive mining and illegal mining.

This is submitted for kind perusal and necessary action to submit the same before the Hon'ble NGT (SZ).

This is submitted for favour of kind information and further necessary action please


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem


 11/4/2024



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TAMIL NADU POLLUTION CONTROL BOARD



**Proc. No.: T3 /TNPCB/F007941/NGT OA No.2011 of 2021/Show Cause Notice-1/
2024 dated: 03.06.2024**

Sub: TNPCB –Industries -M/s. Shri Parasakthi Crusher Pvt. Ltd. Rep. by Thiru P. Bhaskar 243/19, Varangampady, Masinacikenpatty PO, Salem District – Order of Hon'ble NGT (SZ), Chennai in OA 211/2021- -Levy of Environmental compensation for non-compliance under Section 5 of the Environment (Protection) Act, 1986 as amended- Show cause notice- Issued-Regarding.

Ref: 1. The Hon'ble NGT(SZ) order dt: 23.02.2024 in the O.A. No.211 of 2021.
2. Lr. No. F.SLM/DEE/TNPCB/SLM/NGT/OA 211-2021/Environmental Compensation/2024, Dt. 01.04.2024

Whereas a case was filed by Thiru. P. Palaniappan S/o.Ponnusamy, Meenangadu, Masinaickenpatty Post, Salem District in Original Application No. 211 of 2021 (SZ) before the Hon'ble National Green Tribunal, South Zone, Chennai to take appropriate action against illegal quarry/crusher operations violation to the conditions imposed in the relevant licenses, consent orders and clearances and to close down the quarry/crusher units on account of the serious environmental degradation caused by them.

Whereas, the Hon'ble NGT (SZ) in its orders dt: 30.09.2021 in O.A No.211 of 2021 had constituted a Joint Committee comprising of a Senior Officer from MoEF& CC, Integrated Regional Office, Chennai, a Senior Scientist from Central Pollution Control Board, Integrated Regional Office, Chennai, a Senior Officer from State Level Environment Impact Assessment Authority, Chennai, District Environmental Engineer of the concerned Tamil Nadu Pollution Control Board and the Assistant Director of Geology and Mining, Salem to inspect the units in question and submit a factual as well as action taken report, if there is any violation found and to submit the report in the aspects as mentioned therein.

Whereas in compliance to the above direction of the Hon'ble NGT, the Joint Committee inspected the crushers and quarries on 29.10.2021 and 01.11.2021. Subsequently, the Joint committee submitted its interim report on 22.03.2022.

Whereas the Hon'ble NGT in its order dated 23.02.2024 directed the following among others:

5.3 The penalty is levied only by the Commissioner of Mines and Geology Department, based on which, the Tamil Nadu Pollution Control Board would impose the environmental compensation which exercise is yet to be done.

5.4 Therefore, we direct the TNPCB also not to grant any consent if the penalty levied by the Mines and Geology Department as well as the proposed penalty by the TNPCB is fully paid.

Whereas in compliance to the above NGT order, the DEE, SLM vide ref 2nd cited furnished report on Environmental Compensation calculation based on the order of the Hon'ble NGT (PB) dated 25th March 2015 in OA 73 of 2014, wherein environmental compensation is assessed as 10% of the total penalty imposed by the DD Mines as follows:

Assessment of Environmental Compensation based on the quantity of mineral transported in leased out and non-leased out area

| Sl. No. | Name of the respondents | Penalty levied by the RDO, Salem for mineral quarried and transported excessively within lease hold area (in Rs.) | Penalty levied by the RDO, Salem for mineral quarried and transported illegally in non leased out area. (in Rs.) | Total penalty levied the RDO, Salem (in Rs.) | Assessment of Environmental Compensation @10% on total penalty levied (Cost of the ecological services foregone and the cost of mitigation and restoration) (in Rs.) |
|---------|--|---|--|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | Tvl. Sri Parasakthi Crusher Private Limited -R11 | 4680175 | - | 4680175 | 468017.5 |

Whereas the DEE, SLM recommended for the issue of show cause notices to the above unit as to why Environmental Compensation of Rs. 468017.5 shall not be levied under the Environmental Protection Act, 1986, for carrying out excessive mining.

Further, informed that the above said environmental compensation is interim compensation only based on the Hon'ble NGT order DT: 25.03.2015 in OA No.73 of 2014. However, if it is to be revised for any reasons in future, the unit shall be liable to pay such a revised environmental compensation.

Now, therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, you are directed to Show Cause within a period of fifteen days as to why the Board shall not levy and recover the above said interim Environmental Compensation of Rs. 468017.5 against you for the excess quantity of mineral quarried in leased out area.



TAMIL NADU POLLUTION CONTROL BOARD



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It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above said contraventions and action will be taken on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.

[Signature]
For Member Secretary

To
The Proprietor,
M/s. Shri Parasakthi Crusher Pvt. Ltd.
Rep. by Thiru P. Bhaskar 243/19,
Varangampady,
Masinacikenpatty PO,
Salem District – 636103

Copy to

1. The Joint chief Environmental Engineer,
Tamilnadu Pollution Control Board,
Salem – For follow up and report.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem– For follow up and report.
3. Technical file



TAMIL NADU POLLUTION CONTROL BOARD



Proc. No.: T3 /TNPCB/F007941/NGT OA No.2011 of 2021/Show Cause Notice-2/

2024 dated: 03.06.2024

Sub: TNPCB –Industries - M/s. K Neela Rough Stone Quarry Rep. by its proprietor Tmt. K. Neela W/o. Thiru Karunan, near M/s. Sri Annamar Blue Metals, Varagampady Main Road, Kasinagar, Masinacikenpatty PO, Salem District – Order of Hon'ble NGT (SZ), Chennai in OA 211/2021- -Levy of Environmental compensation for non-compliance under Section 5 of the Environment (Protection) Act, 1986 as amended- Show cause notice- Issued-Regarding.

Ref: 1. The Hon'ble NGT(SZ) order dt: 23.02.2024 in the O.A. No.211 of 2021.
2. Lr. No. F.SLM/ DEE/ TNPCB/ SLM/ NGT/ OA 211-2021/ Environmental Compensation/ 2024, Dt. 01.04.2024

Whereas a case was filed by Thiru. P. Palaniappan S/o.Ponnusamy, Meenangadu, Masinaickenpatty Post, Salem District in Original Application No. 211 of 2021 (SZ) before the Hon'ble National Green Tribunal, South Zone, Chennai to take appropriate action against illegal quarry/crusher operations violation to the conditions imposed in the relevant licenses, consent orders and clearances and to close down the quarry/crusher units on account of the serious environmental degradation caused by them.

Whereas, the Hon'ble NGT (SZ) in its orders dt: 30.09.2021 in O.A No.211 of 2021 had constituted a Joint Committee comprising of a Senior Officer from MoEF& CC, Integrated Regional Office, Chennai, a Senior Scientist from Central Pollution Control Board, Integrated Regional Office, Chennai, a Senior Officer from State Level Environment Impact Assessment Authority, Chennai, District Environmental Engineer of the concerned Tamil Nadu Pollution Control Board and the Assistant Director of Geology and Mining, Salem to inspect the units in question and submit a factual as well as action taken report, if there is any violation found and to submit the report in the aspects as mentioned therein.

Whereas in compliance to the above direction of the Hon'ble NGT, the Joint Committee inspected the crusher and quarries on 29.10.2021 and 01.11.2021. Subsequently, the Joint committee submitted its interim report on 22.03.2022.

Whereas the Hon'ble NGT in its order dated 23.02.2024 directed the following among others:

5.3 The penalty is levied only by the Commissioner of Mines and Geology Department, based on which, the Tamil Nadu Pollution Control Board would impose the environmental compensation which exercise is yet to be done.

5.4 Therefore, we direct the TNPCB also not to grant any consent if the penalty levied by the Mines and Geology Department as well as the proposed penalty by the TNPCB is fully paid.

Whereas in compliance to the above NGT order, the DEE, SLM vide ref 2nd cited furnished report on Environmental Compensation calculation based on the order of the Hon'ble NGT (PB) dated 25th March 2015 in OA 73 of 2014, wherein environmental compensation is assessed as 10% of the total penalty imposed by the DD Mines as follows:

Assessment of Environmental Compensation based on the quantity of mineral transported in leased out and non-leased out area

| Sl. No. | Name of the respondents | Penalty levied by the RDO, Salem for mineral quarried and transported excessively within lease hold area (in Rs.) | Penalty levied by the RDO, Salem for mineral quarried and transported illegally in non leased out area. (in Rs.) | Total penalty levied the RDO, Salem (in Rs.) | Assessment of Environmental Compensation @10% on total penalty levied (Cost of the ecological services foregone and the cost of mitigation and restoration) (in Rs.) |
|---------|--|---|--|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | Tmt.K.Neela W/o.M.Karunan- M/s. K Neela Rough Stone Quarry | 2350574 | 2535649 | 4886223 | 488622.3 |

Whereas the DEE, SLM recommended for the issue of show cause notices to the above unit as to why Environmental Compensation of Rs. 488622.3 shall not be levied under the Environmental Protection Act, 1986, for carrying out excessive mining and illegal mining.

Further, informed that the above said environmental compensation is interim compensation only based on the Hon'ble NGT order DT: 25.03.2015 in OA No.73 of 2014. However, if it is to be revised for any reasons in future, the unit shall be liable to pay such a revised environmental compensation.

Now, therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, you are directed to Show Cause within a period of fifteen days as to why the Board shall not levy and recover the above said interim Environmental Compensation of Rs. 488622.3 against you for the excess quantity of mineral quarried in leased out area and for illegal quarrying in the non leased area.



TAMIL NADU POLLUTION CONTROL BOARD



It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above said contraventions and action will be taken on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.

[Signature]
For Member Secretary
1/2

To
Tmt. K. Neela W/o. Thiru Karunan,
Proprietor,
M/s. K Neela Rough Stone Quarry
Near **M/s. Sri Annamar Blue Metals** Varagampady
Main Road, Kasinagar, Masinacikenpatty PO,
Salem District - 636103

Copy to

1. The Joint chief Environmental Engineer,
Tamilnadu Pollution Control Board,
Salem – For follow up and report.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem – For follow up and report.
3. Technical file



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TAMIL NADU POLLUTION CONTROL BOARD



Proc. No.: T3 /TNPCCB/F007941/NGT OA No.2011 of 2021/Show Cause Notice-3/

2024 dated: 03.06.2024

Sub: TNPCCB –Industries - M/s. Sri Vijayalakshmi Bluemetals rep. by its proprietor Thiru. T. Kasiviswanathan, Meenangadu, Mango Farm, Masinacikenpatty PO, Salem District -Order of the Hon'ble NGT (SZ), Chennai in OA 211/2021- -Levy of Environmental compensation for non-compliance under Section 5 of the Environment (Protection) Act, 1986 as amended- Show cause notice- Issued- Regarding.

Ref: 1. The Hon'ble NGT(SZ) order dt: 23.02.2024 in the O.A. No.211 of 2021.
2. Lr. No. F.SLM/DEE/TNPCCB/SLM/NGT/OA 211-2021/Environmental Compensation/2024, Dt. 01.04.2024

Whereas a case was filed by Thiru. P. Palaniappan S/o.Ponnusamy, Meenangadu, Masinaickenpatty Post, Salem District in Original Application No. 211 of 2021 (SZ) before the Hon'ble National Green Tribunal, South Zone, Chennai to take appropriate action against illegal quarry/crusher operations violation to the conditions imposed in the relevant licenses, consent orders and clearances and to close down the quarry/crusher units on account of the serious environmental degradation caused by them

Whereas, the Hon'ble NGT (SZ) in its orders dt: 30.09.2021 in O.A No.211 of 2021 had constituted a Joint Committee comprising of a Senior Officer from MoEF& CC, Integrated Regional Office, Chennai, a Senior Scientist from Central Pollution Control Board, Integrated Regional Office, Chennai, a Senior Officer from State Level Environment Impact Assessment Authority, Chennai, District Environmental Engineer of the concerned Tamil Nadu Pollution Control Board and the Assistant Director of Geology and Mining, Salem to inspect the units in question and submit a factual as well as action taken report, if there is any violation found and to submit the report in the aspects as mentioned therein.

Whereas in compliance to the above direction of the Hon'ble NGT, the Joint Committee inspected the crusher and quarries on 29.10.2021 and 01.11.2021. Subsequently, the Joint committee submitted its interim report on 22.03.2022.

Whereas the Hon'ble NGT in its order dated 23.02.2024 directed the following among others:

5.3 The penalty is levied only by the Commissioner of Mines and Geology Department, based on which, the Tamil Nadu Pollution Control Board would impose the environmental compensation which exercise is yet to be done.

5.4 Therefore, we direct the TNPCB also not to grant any consent if the penalty levied by the Mines and Geology Department as well as the proposed penalty by the TNPCB is fully paid.

Whereas in compliance to the above NGT order, the DEE, SLM vide ref 2nd cited furnished report on Environmental Compensation calculation based on the order of the Hon'ble NGT (PB) dated 25th March 2015 in OA 73 of 2014, wherein environmental compensation is assessed as 10% of the total penalty imposed by the DD Mines as follows:

Assessment of Environmental Compensation based on the quantity of mineral transported in leased out and non-leased out area

| Sl. No. | Name of the respondents | Penalty levied by the RDO, Salem for mineral quarried and transported excessively within lease hold area (in Rs.) | Penalty levied by the RDO, Salem for mineral quarried and transported illegally in non leased out area. (in Rs.) | Total penalty levied the RDO, Salem (in Rs.) | Assessment of Environmental Compensation @10% on total penalty levied (Cost of the ecological services foregone and the cost of mitigation and restoration) (in Rs.) |
|---------|---|---|--|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | M/s. Sri Vijayalakshmi Bluemetals rep. by its proprietor Thiru. T. Kasiviswanathan Meenangadu, Mango Farm, Masinacikenpatty PO, Salem District - 636103 | 5328114 | 16029481 | 21357595 | 2135759.5 |

Whereas the DEE, SLM recommended for the issue of show cause notices to the above unit as to why Environmental Compensation of Rs. 2135759.5 shall not be levied under the Environmental Protection Act, 1986, for carrying out excessive mining and illegal mining.

Further, informed that the above said environmental compensation is interim compensation only based on the Hon'ble NGT order DT: 25.03.2015 in OA No.73 of 2014. However, if it is to be revised for any reasons in future, the unit shall be liable to pay such a revised environmental compensation.



TAMIL NADU POLLUTION CONTROL BOARD



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Now, therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, you are directed to Show Cause within a period of fifteen days as to why the Board shall not levy and recover the above said interim Environmental Compensation of Rs. 2135759.5 against you for the excess quantity of mineral quarried in leased out area and for illegal quarrying in the non leased area.

It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above said contraventions and action will be taken on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.

[Handwritten Signature]
For Member Secretary

To

Thiru. T. Kasiviswanathan,
Proprietor
M/s. Sri Vijayalakshmi Bluemetals
Meenangadu, Mango Farm,
Masinacikenpatty PO, Salem District - 636103

Copy to

1. The Joint Chief Environmental Engineer,
Tamilnadu Pollution Control Board,
Salem – For follow up and report.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem – For follow up and report.
3. Technical file



TAMIL NADU POLLUTION CONTROL BOARD



Proc. No.: T3 /TNPCB/F007941/NGT OA No.2011 of 2021/Show Cause Notice-4/
2024 dated: 03.06.2024

Sub: TNPCB –Industries - M/s. Lavanya Rough stone and Gravel Quarry, M/s. D Lavanya Rough Stone Quarry, & M/s. Giri Sahajanya Projects, Rep. by Thiru. K. Selvakumar 199/10, Sakthi Nagar, Masinacikenpatty PO, Salem District -Order of the Hon'ble NGT (SZ), Chennai in OA 211/2021- -Levy of Environmental compensation for non-compliance under Section 5 of the Environment (Protection) Act, 1986 as amended- Show cause notice- Issued-Regarding.

Ref: 1. The Hon'ble NGT(SZ) order dt: 23.02.2024 in the O.A. No.211 of 2021
2. Lr. No. F.SLM/DEE/TNPCB/SLM/NGT/OA 211-2021/Environmental Compensation/2024, Dt. 01.04.2024

Whereas a case was filed by Thiru. P. Palaniappan S/o.Ponnusamy, Meenangadu, Masinaickenpatty Post, Salem District in Original Application No. 211 of 2021 (SZ) before the Hon'ble National Green Tribunal, South Zone, Chennai to take appropriate action against illegal quarry/crusher operations violation to the conditions imposed in the relevant licenses, consent orders and clearances and to close down the quarry/crusher units on account of the serious environmental degradation caused by them

Whereas, the Hon'ble NGT (SZ) in its orders dt: 30.09.2021 in O.A No.211 of 2021 had constituted a Joint Committee comprising of a Senior Officer from MoEF& CC, Integrated Regional Office, Chennai, a Senior Scientist from Central Pollution Control Board, Integrated Regional Office, Chennai, a Senior Officer from State Level Environment Impact Assessment Authority, Chennai, District Environmental Engineer of the concerned Tamil Nadu Pollution Control Board and the Assistant Director of Geology and Mining, Salem to inspect the units in question and submit a factual as well as action taken report, if there is any violation found and to submit the report in the aspects as mentioned therein.

Whereas in compliance to the above direction of the Hon'ble NGT, the Joint Committee inspected the crusher and quarries on 29.10.2021 and 01.11.2021. Subsequently, the Joint committee submitted its interim report on 22.03.2022.

Whereas the Hon'ble NGT in its order dated 23.02.2024 directed the following among others:

5.3 The penalty is levied only by the Commissioner of Mines and Geology Department, based on which, the Tamil Nadu Pollution Control Board would impose the environmental compensation which exercise is yet to be done.

5.4 Therefore, we direct the TNPCB also not to grant any consent if the penalty levied by the Mines and Geology Department as well as the proposed penalty by the TNPCB is fully paid.

Whereas in compliance to the above NGT order, the DEE, SLM vide ref 2nd cited furnished report on Environmental Compensation calculation based on the order of the Hon'ble NGT (PB) dated 25th March 2015 in OA 73 of 2014, wherein environmental compensation is assessed as 10% of the total penalty imposed by the DD Mines as follows:

Assessment of Environmental Compensation based on the quantity of mineral transported in leased out and non-leased out area

| Sl. No. | Name of the respondents | Penalty levied by the RDO, Salem for mineral quarried and transported excessively within lease hold area (in Rs.) | Penalty levied by the RDO, Salem for mineral quarried and transported illegally in non leased out area. (in Rs.) | Total penalty levied the RDO, Salem (in Rs.) | Assessment of Environmental Compensation @10% on total penalty levied (Cost of the ecological services foregone and the cost of mitigation and restoration) (in Rs.) |
|---------|--|---|--|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | M/s. Lavanya Rough stone and Gravel Quarry, M/s. D Lavanya Rough Stone Quarry, & M/s. Giri Sahajanya Projects Rep. by Thiru. K. Selvakumar 199/10, Sakthi Nagar, Masinacikenpatty PO, Salem District - 636103 | 8947962 | 89052290 | 98000252 | 9800025.20 |

Whereas the DEE, SLM recommended for the issue of show cause notices to the above unit as to why Environmental Compensation of Rs. 9800025.20 shall not be levied under the Environmental Protection Act, 1986, for carrying out excessive mining and illegal mining.



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TAMIL NADU POLLUTION CONTROL BOARD



Further, informed that the above said environmental compensation is interim compensation only based on the Hon'ble NGT order DT: 25.03.2015 in OA No.73 of 2014. However, if it is to be revised for any reasons in future, the unit shall be liable to pay such a revised environmental compensation.

Now, therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, you are directed to Show Cause within a period of fifteen days as to why the Board shall not levy and recover the above said interim Environmental Compensation of Rs.9800025.20 against you for the excess quantity of mineral quarried in leased out area and for illegal quarrying in the non leased area.

It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above said contraventions and action will be taken on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.


For Member Secretary

To
Thiru. K. Selvakumar
M/s. Lavanya Rough stone and Gravel Quarry,
M/s. D Lavanya Rough Stone Quarry,
& M/s. Giri Sahajanya Projects
199/10, Sakthi Nagar, Masinacikenpatty PO,
Salem District – 636103

Copy to

1. The Joint Chief Environmental Engineer,
Tamilnadu Pollution Control Board,
Salem – For follow up and report.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem – For follow up and report.
3. Technical file



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TAMIL NADU POLLUTION CONTROL BOARD



Proc. No.: T3 /TNPCB/F007941/NGT OA No.2011 of 2021/Show Cause Notice-5/

2024 dated: 03.06.2024

Sub: TNPCB –Industries - M/s. B Gokulnath Rough Stone Quarry Rep. by B Gokulnath S/o. P. Bhaskar No. 100 NA, Meenangadu, Masinacikenpatty PO, Salem District - Order of the Hon'ble NGT (SZ), Chennai in OA 211/2021- -Levy of Environmental compensation for non-compliance under Section 5 of the Environment (Protection) Act, 1986 as amended- Show cause notice- Issued- Regarding.

Ref: 1. The Hon'ble NGT(SZ) order dt: 23.02.2024 in the O.A. No.211 of 2021.
2. Lr. No. F.SLM/DEE/TNPCB/SLM/NGT/OA 211-2021/Environmental Compensation/2024, Dt. 01.04.2024

Whereas a case was filed by Thiru. P. Palaniappan S/o.Ponnusamy, Meenangadu, Masinaickenpatty Post, Salem District in Original Application No. 211 of 2021 (SZ) before the Hon'ble National Green Tribunal, South Zone, Chennai to take appropriate action against illegal quarry/crusher operations violation to the conditions imposed in the relevant licenses, consent orders and clearances and to close down the quarry/crusher units on account of the serious environmental degradation caused by them.

Whereas, the Hon'ble NGT (SZ) in its orders dt: 30.09.2021 in O.A No.211 of 2021 had constituted a Joint Committee comprising of a Senior Officer from MoEF& CC, Integrated Regional Office, Chennai, a Senior Scientist from Central Pollution Control Board, Integrated Regional Office, Chennai, a Senior Officer from State Level Environment Impact Assessment Authority, Chennai, District Environmental Engineer of the concerned Tamil Nadu Pollution Control Board and the Assistant Director of Geology and Mining, Salem to inspect the units in question and submit a factual as well as action taken report, if there is any violation found and to submit the report in the aspects as mentioned therein.

Whereas in compliance to the above direction of the Hon'ble NGT, the Joint Committee inspected the crusher and quarries on 29.10.2021 and 01.11.2021. Subsequently, the Joint committee submitted its interim report on 22.03.2022.

Whereas the Hon'ble NGT in its order dated 23.02.2024 directed the following among others:

5.3 The penalty is levied only by the Commissioner of Mines and Geology Department, based on which, the Tamil Nadu Pollution Control Board would impose the environmental compensation which exercise is yet to be done.

No. 76, MOUNT SALAI, GUINDY, CHENNAI - 600 032.

Tel : 044-22353134 - 139 Fax : 044-22353068

Email : tnpccb-chn@gov.in Web : tnpccb.gov.in

5.4 Therefore, we direct the TNPCB also not to grant any consent if the penalty levied by the Mines and Geology Department as well as the proposed penalty by the TNPCB is fully paid.

Whereas in compliance to the above NGT order, the DEE, SLM vide ref 2nd cited furnished report on Environmental Compensation calculation based on the order of the Hon'ble NGT (PB) dated 25th March 2015 in OA 73 of 2014, wherein environmental compensation is assessed as 10% of the total penalty imposed by the DD Mines as follows:

Assessment of Environmental Compensation based on the quantity of mineral transported in leased out and non-leased out area

| Sl. No. | Name of the respondents | Penalty levied by the RDO, Salem for mineral quarried and transported excessively within lease hold area (in Rs.) | Penalty levied by the RDO, Salem for mineral quarried and transported illegally in non leased out area. (in Rs.) | Total penalty levied the RDO, Salem (in Rs.) | Assessment of Environmental Compensation @10% on total penalty levied (Cost of the ecological services foregone and the cost of mitigation and restoration) (in Rs.) |
|---------|--|---|--|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | M/s. B Gokulnath Rough Stone Quarry Rep. by B Gokulnath S/o. P. Bhaskar No. 100 NA, Meenangadu, Masinacikenpatty PO, Salem District | 45231 | - | 45231 | 4523.1 |

Whereas the DEE, SLM recommended for the issue of show cause notices to the above unit as to why Environmental Compensation of Rs. 4523.1 shall not be levied under the Environmental Protection Act, 1986, for carrying out excessive mining.

Further, informed that the above said environmental compensation is interim compensation only based on the Hon'ble NGT order DT: 25.03.2015 in OA No.73 of 2014. However, if it is to be revised for any reasons in future, the unit shall be liable to pay such a revised environmental compensation.

Now, therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, you are directed to Show Cause within a period of fifteen days as to why the Board shall not levy and recover the above said interim Environmental Compensation of Rs. 4523.1 against you for the excess quantity of mineral quarried in leased out area.



TAMIL NADU POLLUTION CONTROL BOARD



It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above said contraventions and action will be taken on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.

To

B Gokulnath S/o. P. Bhaskar
M/s. B Gokulnath Rough Stone Quarry
No. 100 NA, Meenangadu,
Masinacikenpatty PO,
Salem District - 636103


For Member Secretary

Copy to

1. The Joint chief Environmental Engineer,
Tamilnadu Pollution Control Board,
Salem – For follow up and report.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem – For follow up and report.
3. Technical file

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TAMILNADU POLLUTION CONTROL BOARD

From
Er. G. Udhayakumar, M.E., M.Tech.,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
1/276, Meyyanur Main Road,
Salem – 636004

To
The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy,
Chennai – 600 032.

Lr. No. F.SLM/DEE/TNPCB/SLM/ NGT OA No.211 of 2021/2024, dated 19 .08.2024

Sir,

Sub : TNPCB, Salem – Order of Hon'ble NGT (SZ), Chennai in OA 211/2021-
Thiru.P.Palaniappan vs MoEF & CC and Others- Show cause Notice
issued to levy Environmental Compensation – Present status - details
submitted – Reg.

- Ref 1. Interim Order of Hon'ble NGT(SZ) in the O.A. no.211 of 2021, dated
23.02.2024
2. Board Proc.No. T3/TNPCB/F007941/NGT OA No.211 of 2021/Show cause
Notice-1/2024 dated 03.06.2024.
3. Board Proc.No. T3/TNPCB/F007941/NGT OA No.211 of 2021/Show cause
Notice-2/2024 dated 03.06.2024.
4. Board Proc.No. T3/TNPCB/F007941/NGT OA No.211 of 2021/Show cause
Notice-3/2024 dated 03.06.2024.
5. Board Proc.No. T3/TNPCB/F007941/NGT OA No.211 of 2021/Show cause
Notice-4/2024 dated 03.06.2024.
6. Board Proc.No. T3/TNPCB/F007941/NGT OA No.211 of 2021/Show cause
Notice-5/2024 dated 03.06.2024.

I submit to state that the Hon'ble National Green Tribunal (SZ) in its order dated
23.02.2024 in OA No. 211 of 2021 (SZ) filed by Thiru. P.Palaniappan S/o. Ponnusamy,
Meenangadu, Masinaickenpatty Post, Salem District has stated interalia as follows:

*5.3 The penalty is levied only by the Commissioner of Mines and Geology
Department, based on which, the Tamil Nadu Pollution Control Board would
impose the environmental compensation which exercise is yet to be done.*

*5.4 Therefore, we direct the TNPCB also not to grant any consent if the penalty
levied by the Mines and Geology Department as well as the proposed penalty by
the TNPCB is fully paid.*

In compliance with the Hon'ble NGT order, the Environmental Compensation was
calculated based on the assessment carried out by Mining & Geology Department for the

excessive mining and illegal mining carried out by the respondents and as per the guidelines submitted in the Joint committee interim report and the details were submitted to the Board vide this office letter dated 01.04.2024.

In continuation to the above, the Board has issued show cause notices dated 03.06.2024 to the below mentioned units as to why Environmental Compensation shall not be levied under the Environmental Protection Act, 1986, for carrying out excess mining and illegal mining.

In continuation to the above, the details of remittance of Environmental compensation by the Respondents to the Board are submitted below.

| Sl. No | Name of the respondents | EC @10% on total penalty levied (Rs.) | EC amount remitted by the Respondent | Remittance receipt details |
|--------|--|---------------------------------------|--------------------------------------|----------------------------|
| 1. | Tvl. Sri Parasakthi Crusher Private Limited –R11 | 468017.5 | 468020 | 228 dated 01.07.2024 |
| 2. | Tmt.K.Neela W/o.M.Karunan– R12 | 488622.3 | 488625 | 230 dated 01.07.2024 |
| 3. | Thiru.T.Kasiviswanathan S/o. Thangavel Udaiyar –R13 | 2135759.5 | Not remitted | |
| 4. | Thiru. Selvakumar– R14 | 9800025.20 | Not remitted | |
| 5 | Thiru.B.Gokulnath S/o.P.Baskaran- R15 | 4523.1 | 4525 | 229 dated 01.07.2024 |
| | Total | 12896947.6 | | |

It is submitted that the Respondents R11, R12 & R15 have remitted the Environmental Compensation amount to the Board in respect of the show cause notices issued to them vide references 2, 3 & 6 above, whereas the other two remaining respondents namely Thiru. T. Kasiviswanathan - R13 & and Thiru. Selvakumar - R14 have not remitted the Environmental Compensation amount to the Board and furnished reply to the show cause notices vide their letter dated 22.07.2024 & 02.07.2024 respectively wherein it was stated that the penalty amount assessed and imposed by the RDO, Salem was incorrect and submitted their appeal in this regard before the District Collector, Salem to waive of the entire penalty amount and further stated that as their appeal is pending with the District Collector, Salem, they are not liable to pay the EC amount imposed by the Tamil Nadu Pollution Control Board which was calculated @ 10% of the total penalty imposed by the Revenue Divisional Officer, Salem.

Since, three out of five respondents stated in the above table have remitted the Environmental Compensation amount to the Board and the other two respondents have not yet remitted the Environmental Compensation amount to the Board in respect of the show cause notices issued to them vide references 4 & 5 above and their reply submitted to the show cause notices were not satisfactory, it is submitted and recommended that

necessary directions under Section 5 of the Environment (Protection) Act, 1986 may be issued to the Respondent Quarry units (R13 & R14) namely T.Kasiviswanathan Rough Stone Quarry represented by its proprietor, T.Kasiviswanathan and Lavanya Rough Stone Quarry represented by its proprietor, Thiru. Selvakumar to remit the Environmental Compensation amount of Rs. 2135759.5/- and Rs. 9800025.20/- respectively in respect of compliance with the order of the Hon'ble NGT(SZ) in the O.A. no.211 of 2021, dated 23.02.2024.

This is submitted for favour of kind information and further necessary action please



District Environmental Engineer
Tamil Nadu Pollution Control Board
Salem

PKay
19/8/2024

Encl.:

1. CR copy of Respondent - R11
2. CR copy of Respondent - R12
3. CR copy of Respondent - R15
4. Reply letter by the Respondent - R13
5. Reply letter by the Respondent - R14



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TAMIL NADU POLLUTION CONTROL BOARD



Proc. No.: T3 /TNPCB/F.007941/NGT OA No.211 of 2021/Directions -2/ 2024

dated: 20.11.2024

Sub: TNPCB –Industries -**M/s. Sri Vijayalakshmi Bluemetals** rep. by its proprietor Thiru. T. Kasiviswanathan, Meenangadu, Mango Farm, Masinacikenpatty PO, Salem District -Order of the Hon'ble NGT (SZ), Chennai in OA 211/2021- Levy of Environmental compensation for non-compliance under Section 5 of the Environment (Protection) Act, 1986 as amended-Directions - Issued-Regarding.

- Ref:**
1. The Hon'ble NGT(SZ) order dt: 23.02.2024 in the O.A. No.211 of 2021.
 2. Proc. No.: T3 /TNPCB/F007941/NGT OA No.2011 of 2021/Show Cause Notice-3 2024 dated: 03.06.2024
 3. Letter received from DEE, Salem Lr. No. F.SLM/DEE/TNPCB/SLM/ NGT OA No.211 of 2021/2024, dated 19.08.2024.

Whereas a case was filed by Thiru. P. Palaniappan S/o.Ponnusamy, Meenangadu, Masinaickenpatty Post, Salem District in Original Application No. 211 of 2021 (SZ) before the Hon'ble National Green Tribunal, South Zone, Chennai to take appropriate action against illegal quarry/crusher operations violation to the conditions imposed in the relevant licenses, consent orders and clearances and to close down the quarry/crusher units on account of the serious environmental degradation caused by them

Whereas, the Hon'ble NGT (SZ) in its orders dt: 30.09.2021 in O.A No.211 of 2021 had constituted a Joint Committee comprising of a Senior Officer from MoEF& CC, Integrated Regional Office, Chennai, a Senior Scientist from Central Pollution Control Board, Integrated Regional Office, Chennai, a Senior Officer from State Level Environment Impact Assessment Authority, Chennai, District Environmental Engineer of the concerned Tamil Nadu Pollution Control Board and the Assistant Director of Geology and Mining, Salem to inspect the units in question and submit a factual as well as action taken report, if there is any violation found and to submit the report in the aspects as mentioned therein.

Whereas in compliance to the above direction of the Hon'ble NGT, the Joint Committee inspected the crusher and quarries on 29.10.2021 and 01.11.2021. Subsequently, the Joint committee submitted its interim report on 22.03.2022.

Whereas the Hon'ble NGT in its order dated 23.02.2024 directed the following among others:

5.3 The penalty is levied only by the Commissioner of Mines and Geology Department, based on which, the Tamil Nadu Pollution Control Board would impose the environmental compensation which exercise is yet to be done.

5.4 Therefore, we direct the TNPCB also not to grant any consent if the penalty levied by the Mines and Geology Department as well as the proposed penalty by the TNPCB is fully paid.

Whereas in compliance to the above NGT order, the DEE, SLM vide ref 2nd cited furnished report on Environmental Compensation calculation based on the order of the Hon'ble NGT (PB) dated 25th March 2015 in OA 73 of 2014, wherein environmental compensation is assessed as 10% of the total penalty imposed by the DD Mines as follows:

Assessment of Environmental Compensation based on the quantity of mineral transported in leased out and non-leased out area

| Sl. No. | Name of the respondents | Penalty levied by the RDO, Salem for mineral quarried and transported excessively within lease hold area (in Rs.) | Penalty levied by the RDO, Salem for mineral quarried and transported illegally in non leased out area. (in Rs.) | Total penalty levied the RDO, Salem (in Rs.) | Assessment of Environmental Compensation @10% on total penalty levied (Cost of the ecological services foregone and the cost of mitigation and restoration) (in Rs.) |
|---------|---|---|--|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | M/s. Sri Vijayalakshmi Bluemetals rep. by its proprietor Thiru. T. Kasiviswanathan Meenangadu, Mango Farm, Masinacikenpatty PO, Salem District - 636103 | 5328114 | 16029481 | 21357595 | 2135759.5 |

Whereas as per recommendations from DEE, SLM show cause notice was issued to the above unit as to why Environmental Compensation of Rs.2135759.5 shall not be levied under the Environmental Protection Act, 1986, for carrying out excessive mining and illegal mining.

Further, informed that the above said environmental compensation is interim compensation only based on the Hon'ble NGT order DT: 25.03.2015 in OA No.73 of 2014. However, if it is to be revised for any reasons in future, the unit shall be liable to pay such a revised environmental compensation.

Whereas, the DEE, Salem informed vide Ref.3rd as the reply submitted to the show cause notice was not satisfactory and recommended to issue the directions **under Section 5 of the Environment (Protection) Act, 1986 as amended to remit the Environmental Compensation of Rs. 2135759.5, for carrying out excessive and illegal mining.**



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TAMIL NADU POLLUTION CONTROL BOARD



Now, therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, the Board hereby issues the directions to the Proprietor of the unit, M/s. Sri Vijayalakshmi Blue metals, Meenangadu, Mango Farm, Masinacikenpatty PO, Salem District to remit the above said interim Environmental Compensation of Rs. 2135759.5 (Rupees Twenty-one Lakh Thirty-five Thousand Seven Hundred Fifty-nine and Fifty Paise) to Tamil Nadu Pollution Control Board for the excess quantity of mineral quarried in leased out area and for illegal quarrying in the non-leased area.

The above amount shall be remitted to the Tamil Nadu Pollution Control Board, No. 76, Mount Salai, Guindy, Chennai-32, through a D.D Drawn in favour of "TNPCB-Environmental Compensation Fund" payable at Chennai. Also, it is informed that the Environmental Compensation shall be remitted within 30 days from the date of receipt of this proceeding.

Failure to comply with the above directions within the prescribed time period will attract action as per provisions of Section 5 (Closure and stoppage of electricity), Section 15 (Penalty provision) and Section 16 (Offences by Companies) of the Environment (Protection) Act, 1986 as amended and action will be taken on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.

For Chairperson
[Signature]
Chairperson

To
Thiru. T. Kasiviswanathan,
Proprietor
M/s. Sri Vijayalakshmi Blue-metals
Meenangadu, Mango Farm,
Masinacikenpatty PO, Salem District - 636103

Copy to

1. The Joint Chief Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem – For follow up and report.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem – For follow up and report.

3. Technical file

The first part of the book is devoted to a general introduction to the subject of the history of the world. It covers the period from the beginning of time to the present day. The author discusses the various theories of the origin of life and the development of the earth. He also talks about the different civilizations that have existed throughout history and how they have influenced each other. The second part of the book is a detailed account of the history of the world from the beginning of the Christian era to the present day. It covers the major events, wars, and revolutions that have shaped the world as we know it today. The author provides a clear and concise summary of the most important events in world history.

The third part of the book is a collection of essays on various aspects of world history. These essays explore the role of religion, science, and technology in the development of human civilization. They also discuss the impact of different cultures and societies on each other. The author provides a thoughtful and insightful analysis of the complex interactions between different parts of the world throughout history.

The fourth part of the book is a collection of essays on the history of the world from the perspective of different regions and cultures. These essays provide a unique and valuable insight into the experiences and perspectives of people from different parts of the world. They discuss the challenges and opportunities that have shaped the development of different societies and cultures. The author provides a comprehensive and balanced view of the history of the world from a global perspective.

The fifth part of the book is a collection of essays on the future of the world. These essays explore the challenges and opportunities that will shape the world in the years to come. They discuss the impact of climate change, technology, and globalization on the future of humanity. The author provides a thoughtful and insightful analysis of the future of the world and the role of each of us in shaping it.



TAMIL NADU POLLUTION CONTROL BOARD



Proc. No.: T3 /TNPCB/F.007941/NGT OA No.211 of 2021/Directions - 1/ 2024

dated: 20.11.2024

Sub: TNPCB –Industries - **M/s. Lavanya Rough stone and Gravel Quarry, M/s. D Lavanya Rough Stone Quarry, & M/s. Giri Sahajanya Projects**, Rep. by Thiru. K. Selvakumar 199/10, Sakthi Nagar, Masinacikenpatty PO, Salem District - Order of the Hon'ble NGT (SZ), Chennai in OA 211/2021- - levying Environmental compensation for non-compliance under Section 5 of the Environment (Protection) Act, 1986 as amended- Directions - Issued-Regarding.

- Ref:**
1. The Hon'ble NGT(SZ)order dt: 23.02.2024 in the O.A. No.211 of 2021
 2. Board Proc. No.: T3 /TNPCB/F007941/NGT OA No.2011 of 2021/Show Cause Notice-4/ 2024 dated: 03.06.2024 .
 3. Letter received from DEE, Salem Lr. No. F.SLM/DEE/TNPCB/SLM/ NGT OA No.211 of 2021/2024, dated 19.08.2024.

Whereas a case was filed by Thiru. P. Palaniappan S/o.Ponnusamy, Meenangadu, Masinaickenpatty Post, Salem District in Original Application No. 211 of 2021 (SZ) before the Hon'ble National Green Tribunal, South Zone, Chennai to take appropriate action against illegal quarry/crusher operations violation to the conditions imposed in the relevant licenses, consent orders and clearances and to close down the quarry/crusher units on account of the serious environmental degradation caused by them

Whereas, the Hon'ble NGT (SZ) in its orders dt: 30.09.2021 in O.A No.211 of 2021 had constituted a Joint Committee comprising of a Senior Officer from MoEF& CC, Integrated Regional Office, Chennai, a Senior Scientist from Central Pollution Control Board, Integrated Regional Office, Chennai, a Senior Officer from State Level Environment Impact Assessment Authority, Chennai, District Environmental Engineer of the concerned Tamil Nadu Pollution Control Board and the Assistant Director of Geology and Mining, Salem to inspect the units in question and submit a factual as well as action taken report, if there is any violation found and to submit the report in the aspects as mentioned therein.

Whereas in compliance to the above direction of the Hon'ble NGT, the Joint Committee inspected the crusher and quarries on 29.10.2021 and 01.11.2021. Subsequently, the Joint committee submitted its interim report on 22.03.2022.

Whereas the Hon'ble NGT in its order dated 23.02.2024 directed the following among others:

5.3 The penalty is levied only by the Commissioner of Mines and Geology Department, based on which, the Tamil Nadu Pollution Control Board would impose the environmental compensation which exercise is yet to be done.

5.4 Therefore, we direct the TNPCB also not to grant any consent if the penalty levied by the Mines and Geology Department as well as the proposed penalty by the TNPCB is fully paid.

Whereas in compliance to the above NGT order, the DEE, SLM vide ref 2nd cited furnished report on Environmental Compensation calculation based on the order of the Hon'ble NGT (PB) dated 25th March 2015 in OA 73 of 2014, wherein environmental compensation is assessed as 10% of the total penalty imposed by the DD Mines as follows:

Assessment of Environmental Compensation based on the quantity of mineral transported in leased out and non-leased out area

| Sl. No. | Name of the respondents | Penalty levied by the RDO, Salem for mineral quarried and transported excessively within lease hold area (in Rs.) | Penalty levied by the RDO, Salem for mineral quarried and transported illegally in non leased out area. (in Rs.) | Total penalty levied the RDO, Salem (in Rs.) | Assessment of Environmental Compensation @10% on total penalty levied (Cost of the ecological services foregone and the cost of mitigation and restoration) (in Rs.) |
|---------|--|---|--|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | M/s. Lavanya Rough stone and Gravel Quarry, M/s. D Lavanya Rough Stone Quarry, & M/s. Giri Sahajanya Projects Rep. by Thiru. K. Selvakumar 199/10, Sakthi Nagar, Masinacikenpatty PO, Salem District - 636103 | 8947962 | 89052290 | 98000252 | 9800025.20 |

Whereas as per recommendations from DEE, SLM show cause notice was issued to the above unit as to why Environmental Compensation of Rs.9800025.20 shall not be levied under the Environmental Protection Act, 1986, for carrying out excessive mining and illegal mining.



TAMIL NADU POLLUTION CONTROL BOARD



Further, informed that the above said environmental compensation is interim compensation only based on the Hon'ble NGT order DT: 25.03.2015 in OA No.73 of 2014. However, if it is to be revised for any reasons in future, the unit shall be liable to pay such a revised environmental compensation.

Whereas, the DEE, Salem informed vide Ref.3rd as the reply submitted by the unit to the show cause notice was not satisfactory and recommended to issue the directions under **Section 5 of the Environment (Protection) Act, 1986 as amended to remit the Environmental Compensation of Rs. 9800025.20, for carrying out excessive and illegal mining.**

Now, therefore, in exercise of the powers vested under Section 5 of the Environment Protection Act, 1986, **the Board hereby issues the directions to the Proprietor of the unit, M/s. Lavanya Rough stone and Gravel Quarry, M/s. D Lavanya Rough Stone Quarry, & M/s. Giri Sahajanya Projects 199/10, Sakthi Nagar, Masinacikenpatty PO, Salem District to remit the above said interim Environmental Compensation of Rs. 9800025.20 (Rupees Ninety-eight Lakh Twenty-five and Twenty Paise only) to Tamil Nadu Pollution Control Board for the excess quantity of mineral quarried in leased out area and for illegal quarrying in the non-leased area.**

The above amount shall be remitted to the Tamil Nadu Pollution Control Board, No. 76, Mount Salai, Guindy, Chennai-32, through a D.D Drawn in favour of "TNPCB-Environmental Compensation Fund" payable at Chennai. Also, it is informed that the Environmental Compensation shall be remitted within **30 days** from the date of receipt of this proceeding.

Failure to comply with the above directions within the prescribed time period will attract action as per provisions of Section 5 (Closure and stoppage of electricity), Section 15 (Penalty provision) and Section 16 (Offences by Companies) of the Environment (Protection) Act, 1986 as amended and action will be taken on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.


For Chairperson

To
Thiru. K. Selvakumar
**M/s. Lavanya Rough stone and Gravel Quarry,
M/s. D Lavanya Rough Stone Quarry,
& M/s. Giri Sahajanya Projects**
199/10, Sakthi Nagar, Masinacikenpatty PO,
Salem District – 636103

Copy to

- 1. The Joint Chief Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem – For follow up and report.
- 2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem – For follow up and report.

✓ 4. Technical file

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

**Original Application No. 211 of
2021**

P. Palaniappan,
S/o. Ponnusamy,
Meenangadu, Masinaickenpatti PO,
Salem District – 636 103.
...Applicant

-Vs-

The Ministry of Environment,
Forest and Climate Change,
Rep.by.its Under Secretary,
3rd Floor, Prithvi-Block,
Indira Paryavaran Bhavan,
Jorbagh Road,
New Delhi – 110 003 and 14
Others.

...Respondents

**REPORT FILED ON BEHALF OF
THE FOURTH AND NINTH
RESPONDENTS - TAMIL NADU
POLLUTION CONTROL BOARD**

**Advocate for Respondent: TNPCB
Thiru.Sai Sathya Jith,
Advocate, Chennai.**

Date:23.12.2024

Date of Hearing on:02.01.2025

