

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

Original Application No. 69 of 2021 (SZ)

Tribunal on its own motion-SUO MOTU
Based on the News item in Dinamalar Newspaper,
Chennai Dated 05.02.2021,
"Landslide in Uthiramerur Stone Quarry: one Killed".

Versus

The Chief Secretary to Govt. of Tamil Nadu
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009 & 7 others

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**Filed by
Thiru. C. Kasirajan
Advocate, Chennai.**

BEFORE THE NATIONAL GREEN TRIBUNAL
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... Applicant(s)

Versus

1. The Chief Secretary to Govt. of Tamil Nadu
Govt. Secretariat, Fort St. George, Chennai, Tamil Nadu - 600 009.
2. The Secretary to Govt. of Tamil Nadu,
Department of Environment & Forests,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
3. The Principal Secretary to Govt. of Tamil Nadu,
Industries Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600 009.
4. Department of Geology and Mining,
Rep. by its Commissioner,
Alandur Road, Guindy Industrial Estate, Guindy,
Chennai - 600 032.
5. The Chairman,
Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy,
Chennai, Tamil Nadu - 600 032.
6. The District Collector,
Kancheepuram District,
First Floor, Collectorate,
Kancheepuram – 631 501.
7. Uthiramerur Town Panchayat,
Rep. by its Executive Officer,
Periyannarasam Pettai Street,
Uthiramerur, Kancheepuram – 603 406.
8. Mr. Muthu,
Aged 60 years, Madhur Village,
Uthiramerur Panchayat Union,
Kancheepuram – 603 406.

...Respondent(s)

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21/21
ADDL. CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No. 76, MOUNT SALAI, GUNDIRY

REPORT FILED ON BEHALF OF THE 5TH RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.

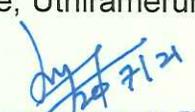
I, R.Vijayabaskaran, S/o. E.Rathinam, Hindu, aged about 59 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 5th Respondent Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) in its order dated 17.02.2021 has appointed Department of Geology and Mining as the Nodal Agency and also directed to appoint a Joint Committee comprising of (i) The District Collector, Thiruvallur District, (ii) a Senior Scientist from Tamil Nadu State Pollution Control Board (TNPCB) as designated by its Chairman (iii) The Geologist from the Department of Geology and Mining, Chennai to inspect the subject area in question and submit a factual as well as action taken report.

3. It is submitted that the said Joint Committee has inspected the quarry lease granted area, in favour of Thiru D.Sarathkumar in patta lands for quarrying rough stone and gravel, in S.F.No.325/4, 109/1A1 and 109/1A2 over an extent of 3.01.50 hectares of Sirudhamur village, Uthiramerur Taluk, Kanchipuram District on 23.04.2021. During the time of inspection, the Deputy Director, Assistant Geologist of Geology and Mining, Kanchipuram, the Assistant Engineer, Pollution Control Board, Sriperumputhur, Tahsildar, Uthiramerur, the Head Surveyor, Uthiramerur, Firka Surveyor and the Revenue Inspector, Arumpuliyur and the Village Administrative Officer, Sirudhamur were also present and assisted at the time of inspection. The lessee Thiru.D.Sarathkumar was also present at the time of inspection of the quarry sites.

4. It is respectfully submitted that the lessee Thiru. D.Sarathkumar was running a stone quarry at, rough stone and gravel, in S.F.No.325/4, 109/1A1 and 109/1A2 over an extent of 3.01.50 hectares of Sirudhamur Village, Uthiramerur. The


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quarry lessee has obtained Environmental clearance from District level Environmental Impact Assessment Authority for a period of mining lease or limited to a maximum period of Five years from the date of issue whichever is earlier vide Lr. No. DEIAA-DIA/TN/MIN/79/Q3/2018 –KPM EC.No.29-2018 dated: 03.10.2018 subject to the conditions stipulated therein for quarrying of rough stone - 7,21,040 cu.m and Gravel – 50,172 cu.m.

Based on that consent to operate was issued to the said quarry vide CTO Proceeding NO.F.2029SPR/RS/DEE/TNPCB/SPR/W&A/2019 dated 06/02/2019 valid up to 31-03-2023 for quarrying of Gravel of 50172 cum and Quarrying of Rough Stone of 721040 cum over a period of 5 years from the date of execution of Lease Deed (20.12.2018 to 19-12-2023) subject to comply with the conditions in the EC and quarry lease agreement.

5. It is further submitted that the Officials of Revenue and Survey Departments i.e., the Firka Surveyor and the Village Administrative Officer, Sirudhamur Village had identified the boundaries of the area granted for quarry lease in S.F.Nos.325/4, 109/1A1 and 109/1A2 of Sirudhamur village. The dimensions of the quarried pit in the area granted for quarry lease in S.F.Nos. 325/4, 109/1A1 and 109/1A2 had been measured with Total Station instruments. The followings are observed during inspection within the Lease hold areas in S.F.Nos. 325/4, 109/1A1 and 109/1A2:

i. As per lease deed conditions the required safety distance of 7.5 and 10 mts has not been provided to the adjacent Patta and Poramboke lands and quarrying had been carried out in the safety zone area also.

ii. No safety distance had been provided for the adjoining, lease expired, quarry that belong to Tvl. Arupadai Infrastructure Company in S.F.No. 109/1B, etc., and another existing quarry which belong to Thiru S.Godandaraman in S.F.Nos. 115/1A etc of Sirudhamur village.

iii. Boundary pillars have not been erected and maintained all along the boundary of the lease granted area by Lessee.


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iv. The lessee has not carried out the quarrying operations in a skilful, scientific and systematic manner as per the approved mining plan.

v. In view of the above there is no proper safety for the labourers working in the quarry area. Further, there are no measures undertaken for quarry conservation of minerals and preservation of environment and ecology of the area.

vi. The depth of quarrying as per approved mining plan / environmental clearance is 62 mts below ground level. But the lessee has carried out the mining operation beyond the allowed depth in few places.

vii. The said area was inspected by the Sub Inspector of Survey O/o Assistant Director, Geology and Mining, Tiruvallur Districtt [camp at Kancheepuram] on 22-04-2021 and 23-04-2021 and as per the pit measurements, it is estimated that a quantum of 74,205 M³ of gravel and 14,07,888 M³ of rough stone had been quarried from the area granted for quarry lease in S.F.Nos. 325/4, 109/1A1 and 109/1A2.

viii. The Joint Committee inspected the said area on 23-04-2021 and noticed that the District administration has stopped quarry operation and issuance of transport permits to the lessee to transport mineral from the lease hold area with effect from 4-02-2021.

6. It is respectfully submitted that, the Additional Director., Dept of Geology and Mining, Guindy, Chennai-32 was addressed vide Lr.No. DEE/ TNPCB/ SPR/F-2029 SPR 2190 /2021 dated 27-05-2021 to furnish the following details

i. The date from which the illegal quarrying of rough stone and gravel carried out in violation of the EC issued by the DEIAA /quarry lease agreement within the lease hold area/outside lease hold area.

ii. Illegal extraction of excess quantity of rough stone and gravel carried out within the lease hold area/outside lease hold area.


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In this regard, the Additional Director., Dept. of Geology and Mining, Guindy, Chennai-32 vide his letter No. RC.No. 991/MM1/2021 dated 29-05-2021 has reported the following:

i. An excess quantum of 24,105 M³ of Gravel and 13,40,688 M³ of rough stone has been mined and transported unlawfully in the area granted for quarry lease over an extent 3.01.5 Hects., of patta land in S.F.Nos. 325/4, 109/1A1 and 109/1A2 of Sirudhamur village.

ii. Illegal quarrying was detected over an extent of 0.63.26 hecets., in S.F.No.322 (P) and over an extent of 0.29.0 Hects in S.F.No. 325/5 of Sirudhamur village and it was estimated that a total quantum of 23,065 M³ of gravel and 3,16,674 M³ of rough stone have been illegally quarried and transported from the non leased out lands in S.F.No. 322 (P) & 325/5 of Sirudhamur village.

7. It is respectfully submitted that the unit's proponent of M/s. D. Sarathkumar Rough Stone Gravel Quarry has exceeded the quarrying of gravel and rough stone quantity as against the environmental Clearance issued by the DEIAA, quarry lease agreement and also consent orders issued by TNPCB. The proponent of M/s D. Sarathkumar Roughstone Gravel Quarry has not monitored the quality of ground water once in 3 months as stipulated as per EC conditions. The unit has not conducted any air sampling survey in and around the quarry site and has not submitted any report to the TNPCB, MoEF & CC, Gol as per EC conditions. The unit has not developed any green belt around the boundary of the quarry site as per EC conditions.

In view of the reasons stated above, consent to operate issued to the quarry vide CTO Proc. NO.F.2029SPR/RS/ DEE/TNPCB/ SPR/W&A/ 2019 dated: 06/02/2019 under the Water (Prevention and Control of Pollution) Act, 1974, as amended and the Air (Prevention and Control of Pollution) Act, 1981 as amended for quarrying of Rough Stone -7,21,040 cu.m and Gravel - 50,172 cu.m over a period of 5 years was withdrawn under the provisions of Section 27 of the Water (Prevention and Control of Pollution) Act, 1974, as amended and Section 21 of the

Air (Prevention and Control of Pollution) Act, 1981, as amended, vide Board proc. No. T2/ TNPCB /F.10942/Consent withdrawal/W&A/SPR/2021 dated 11-06-2021 .

Whereas, Central Pollution Control Board has formulated the methodology to assess and recover compensation under "CPCB Methodology for assessing Environmental Compensation and Action Plan to utilize the fund" for the following cases as per the NGT(PB) order dated:03.08.2018 in OA No. 593/2017 :

- a) Discharges in violation of consent conditions, mainly prescribed standards/consent limits.
- b) Not complying with the directions issued such as direction for closure due to non installation of OCEMS, non adherence to the action plans submitted etc.,
- c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission/Effluent Monitoring systems.
- d) Accidental discharges lasting for short durations resulting into damage to the environment.
- e) Intentional discharges to the environment – land, water and air resulting into acute injury or damage to the environment.
- f) Injection of treated/partially treated/untreated effluents to ground water.

It is evident that the unit has caused environmental damage by case (a) violation of consent order (Excess mining than the consented quantity).

Therefore, the respondent TNPC Board has calculated the Environmental Compensation as per the CPCB methodology for assessing Environmental Compensation calculated as follows:

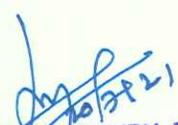
Wherein, PI = Pollution Index of Industrial Sector-80

N= number of days of violation took place- 694 days

R= A factor in Rupees for EC-250

S- Factor for scale of operation-0.5

LF = Location Factor-1.25


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The Environmental Compensation = PIXNXRXSXL

=80x694xRs.250x0.5x1.25

=Rs. 86,75,000/-

8. It is respectfully submitted that the respondent TNPC Board has issued direction to show cause under Section 5 of the Environmental Protection Act, 1986 to explain for the violations committed by the unit as mentioned above and why Environmental Compensation shall not be imposed to the unit of **Thiru. D.Sarathkumar ,S.F.No.325/4, 109/1A1 and 109/1A2 Rough stone/gravel quarry over an extent of 3.01.50 hectares of Sirudhamur village, Uthiramer Taluk, Kancheepuram District** for the violations caused due to excess mining from the date of commissioning from 06.02.2019 to 04.02.2021, vide Proceeding No.T2/TNPCB/F.10942/Quarry/SPR/SCN/EC/2021 dated 24.06.2021.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to take this Report on Record and 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.


ADDL. CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
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BEFORE ME

VERIFICATION

I, R. Vijayabaskaran, son of E. Rathinam, Working as Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby submit that the contents of the above report are true to the best of my knowledge through records.

Verified at Chennai on this 20th day of July, 2021


ADDL. CHIEF ENVIRONMENTAL ENGINEER
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**REPORT FILED ON BEHALF OF
THE 5TH RESPONDENT - TAMIL
NADU POLLUTION CONTROL
BOARD.**

**Advocate for Respondent: - TNPCB
Thiru.C. Kasirajan,
Advocate, Chennai.**

Date:20.07.2021.

Next date of hearing on :23.07.2021