

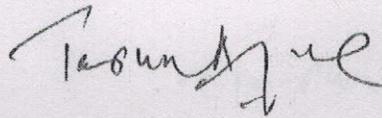
06.10.2018

**Minutes of the Committee sitting held on 05<sup>th</sup> October, 2018 and 06<sup>th</sup> October, 2018 at NGT SZ, Chennai in Appeal No.87/2018, Vedanta Ltd. Vs. State of Tamil Nadu and Ors.**

The presence of the Parties, Officials and Interveners have been recorded on a separate sheet.

We have heard Sri. Vaiko, Sri. Arjunan, Smt. Fathima Babu, Sri. D. Raja and Sri. Suresh, Interveners. Also heard their Advocates, Sri. Subbumuthu Ramalingam, Smt. Poongkhulali, the Advocate of Smt. Fathima Babu, Sri. S.P. Ramachandran, Advocate for one of the interveners. In addition to the aforesaid, we have heard Sri. N.R. Elango, Advocate representing the DMK Party, Sri. K.S. Kumar, Advocate representing the Communist Party of India. In addition to the aforesaid, we also heard Sri. Vijanarasu representing Tamil National Federation, Sri. Jimraj Milton representing seven persons from Tuticorin who were involved in the protest for 100 days, Sri. K. Balakrishnan, State President of Swaraj India of Tamil Nadu, Sri. Maruthaperumal, Secretary of Physically Challenged Association of Tuticorin, Sri. Kartiban, the ex-worker in the Sterlite Factory, Sri. Vimal Rajeshraj, Advocate, Sri. Guhan Balaji for Makkal Needhi Maiyam, Sri. Thondan Subramani, Advocate and District Secretary of MGR Amma Deepa Association and Sri. Anns, a villager.

We also heard Sri C.A. Sundaram, Senior Advocate for the appellant company at length on 5<sup>th</sup> & 6<sup>th</sup> October, 2018. We also received a large number of representations filed by the Company and also representations through Sri. Vaiko, Intervener. After hearing the matter for one and a half days, Sri. C.S. Vaidyanathan, Senior Advocate for the State of Tamil Nadu and Tamil Nadu State Pollution Control Board prayed for an adjournment in order to assimilate the documents that were filed



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by the Sterlite Company and also file necessary papers in response to it. Though, there was an opposition by the Counsel and representatives of Sterlite Company, the Committee finds that in the interest of justice it is essential to allow the State of Tamil Nadu to file the necessary documents and present their views.

The matter is, accordingly, adjourned and as agreed between the parties, the matter would be heard on 27<sup>th</sup> October, 2018 in the National Green Tribunal, Southern Zone, Chennai at 10:30 A.M. In the event, the hearing is not concluded, it will be heard on 28<sup>th</sup> October, 2018 and 29<sup>th</sup> October, 2018. The Registrar of National Green Tribunal, Southern Zone, Chennai is requested to obtain necessary permission for holding the hearings on the aforesaid dates, especially, for Sunday on 28<sup>th</sup> October, 2018.

An application has been filed by the Company for issuance of certain directions by the Committee, namely, for removal of the raw-materials which are lying in the factory premises and for removal of Gypsum Leachate which is lying in the Gypsum Pond. In this regard, the officials of the Tamil Nadu State Pollution Control Board and the Sterlite Company were in unison to the effect that if Gypsum leachate is not removed, it will overflow when the monsoon sets in. In the event of the Gypsum leachate overflowing, it may cause ground water pollution. This fact is also reflected in the recommendations of the Central Pollution Control Board.

Consequently, we direct the District Collector, Tuticorin to remove the Gypsum leachate from the Gypsum Pond at the earliest. While doing so, the Collector, Tuticorin, may take necessary assistance from the officials of the Tamil Nadu State Pollution Control Board and /or from the Company.

Certain raw-materials, finished products and by-products are still lying in the company's factory. It was urged by the Company's Counsel that necessary orders

*T. S. Srinivasan*

may be issued for removal otherwise it would cause environmental damage. In this regard, Sri. C.S. Vaidyanathan, Senior Advocate produced two letters dated 20<sup>th</sup> September, 2018 issued by the Tamil Nadu Pollution Control Board in which the board has directed the District Collector to accord permission to the Company to remove, transport and dispose of copper concentrate to the quantity of 90,000 metric tonnes from the plant premises including re-export. Based on the said order, the Collector, Tuticorin by order dated 28<sup>th</sup> September, 2018 has issued necessary directions to the Company for removal of the Copper concentrate to the aforesaid extent including the re-export and for removal of other hazardous chemicals and materials. This new development was not in the knowledge of the Company as asserted by the learned senior counsel for the company and thus copies of these letters were handed over to the learned senior counsel appearing for the Company.

In the light of the aforesaid, no further directions are required to be issued by this Committee and it is expected that the Collector, Tuticorin will allow the Company to remove the Copper concentrate etc. as per his letter dated 28.09.2018.

This direction may be communicated by the Principal Secretary, Environment and Forest Department, Govt. of Tamil Nadu to the Collector Tuticorin at the earliest. A copy of this order may be provided by the Registrar, NGT, Southern Zone Bench, Chennai to the Principal Secretary, Environment and Forest Department, Govt. of Tamil Nadu for information and necessary action.

(H.D. VARALAXMI)

Member

(DR. SATISH C. GARKOTI)

Member

(TARUN AGARWALA)

Chairperson

