

Item No.3:-

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

Friday, the 13th day of October 2023.

(Through Video Conference)

Appeal No. 29 of 2023 (SZ)

IN THE MATTER OF:

B. Gopinathan,

S/o Mr. Balasubramaniam,
No. 290, Block D, 21st Street,
Sankar Nagar Village,
Pammal Taluk, Chennai- 600 075.



...Appellant(s)

Versus

1) State Level Environment Impact Assessment Authority (SEIAA)

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

2) State Level Expert Appraisal Committee (SEAC)

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

...Respondent(s)

For Appellant (s): M/s. S. Saravanan,

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

CORAM:

**HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

ORDER

1. This is an appeal against the rejection order of the appellant's application/proposal bearing File No.9830 of 2023 dated 14.08.2023 by the State Environmental Impact Assessment Authority - Tamil Nadu (Respondent No.1).
2. Earlier, the very same appellant had made an application for Environmental Clearance (EC) vide File No. 8991 of 2022 dated 03.02.2022 for the proposed quarrying over an extent of 1.00.0 Hectares in Sy. Nos. 27/3A(P), 27/4(P), 27/5(P), 27/6 and 27/8 Mambakkam Village, Sriperumbuthur Taluk, Kancheepuram District . It was appraised by the SEAC - Tamil Nadu which had not recommended the project for grant of Environmental Clearance. Accepting the said recommendation, the 1st Respondent rejected the proposal of the appellant dated 30.06.2022.
3. The appellant did not prefer an appeal against the same, accepting the reasons. Later he got a fresh mining lease for the same land. Rectifying the defects in the earlier proposal, the appellant vide File No. 9830 of 2023 applied again. The said proposal was rejected by the SEIAA - Tamil Nadu considering it as a re-presentation of the same project without realizing that it is an independent second proposal seeking the Environmental Clearance applied by the appellant. Even otherwise, all these proposals should be placed before the SEAC - Tamil Nadu who would consider and recommend accordingly to the SEIAA - Tamil Nadu, based on which, the SEIAA - Tamil Nadu has to pass orders.
4. Admittedly, the SEIAA - Tamil Nadu has got no independent powers to reject the application without consideration and recommendation of the SEAC - Tamil Nadu.
5. Be that as it may, the rejection of the proposal (File No.9830 of 2023) by the SEIAA - Tamil Nadu is not correct as it is a fresh proposal and not a representation of the earlier proposal. The Learned

Counsel for the respondent also *submitted that the new proposal will be considered as per procedure.

6. In view of the above, the impugned order dated 14.08.2023 has to be set aside.
7. Accordingly, **the appeal is disposed of and the rejection order passed by the SEIAA - Tamil Nadu dated 14.08.2023 is hereby set aside** and is remitted to the SEIAA - Tamil Nadu for fresh consideration. We direct the SEIAA - Tamil Nadu to reconsider the appellant's application bearing File No. 9830 of 2023 afresh without being influenced by any of the comments made in this order, within the statutory time prescribed.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

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(*) Corrected as per Order dt.09.11.2023
in Appeal No.29 of 2023 (SZ).

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM