

Item No.05:-

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

(Through Video Conference)

Original Application No. 148 of 2022 (SZ)

IN THE MATTER OF:

Dr. Sushmitha, Chennai.

...Applicant(s)

Versus

The Member Secretary, SEIAA,
Chennai and Ors.

...Respondent(s)

Date of hearing: 18.05.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Mr. S. Saravanan represented
Mr. S. Senthil & N. Zahid Ahmed.

For Respondent(s):

Mr. G.M. Syed Nurullah Sheriff for R1.
Dr. D. Shanmuganathan for R2, R4 & R6.
Mr. Mohammed Salihu represented
Mrs. Shanmugavalli Sekar for R3 & R5.
Mrs. G. Thilakavathy a/w. Mr. V. Anandhamurthy,
Mr. S. Kuberan & S. Koushik for R8 & R10.

ORDER

1. A joint report by the SEIAA – Tamil Nadu and the Tamil Nadu Pollution Control Board dated 21.03.2023 is filed. The report states that all the units were not in operation at the time of inspection which is said to have been caused on 16.03.2023 and they have mentioned that the machinery viz., Primary Jaw Crusher, Secondary Jaw Crusher, etc. are found in the units. The report also states that the compliance report on the Consent to Operate conditions and an assessment of interim environmental compensation is enclosed vide annexure.
2. A perusal of Annexure – III shows that the compliance statement for the conditions mentioned in the Consent Order of M/s. Navamani Mines Private Limited and M/s. Sri Rathinagiriswarar Blue Metals. A cursory glance at the compliance report makes it clear that most of the conditions were not complied with and whether whatever was assured to be complied with are done by the units is not known. Further, there is no specific timeline given for the unit to comply with the said shortcomings indicated in the compliance report.
3. We are not very happy with the joint report filed by the SEIAA – Tamil Nadu and the Tamil Nadu Pollution Control Board, as particularly, the Pollution Control Board has not mentioned about the violations and compliance of the same and the penalty imposed for non-compliance, etc.

4. Therefore, we direct the SEIAA - Tamil Nadu and the Tamil Nadu Pollution Control Board to make an inspection once again and file their individual report answering the queries raised in the original application and also as required by this Tribunal. Before the authorities go for inspection, let the applicant also be put on notice.

5. The following particulars have to be furnished in the individual report to be filed by the SEIAA - Tamil Nadu and the Tamil Nadu Pollution Control Board after making a spot inspection.

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- i. Details about the quarrying units and crusher units separately.
 - ii. Whether the respondents are operating the quarry with valid Environmental Clearance / Lease and if so, the validity of the same.
 - iii. If they had operated in excess, whether the same has been found out and any compensation has been levied by the appropriate authority.
 - iv. Similarly, for the crusher unit also, what was the original capacity of the crusher and the expanded capacity and whether they had valid Consent to Operate originally and also for the expanded capacity and the period of illegal operation (if any) and the assessment of compensation payable by them.

6. Post the matter on 25.07.2023.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.148/2022(SZ)
18th May 2023. Mn.

