

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Tuesday the 21st day of January, 2025.

Original Application No. 148 of 2022 (SZ)
(Through Video Conference)

IN THE MATTER OF

Dr. Sushmitha,
No. C-302,
Radiance Mandarin Apartment,
Thoraipakkam,
Chennai- 600 096.

...Applicant(s)

Versus

- 1. The Member Secretary,**
State Level Environment Impact Assessment Authority,
Panagal Maligai,
Saidapet, Chennai.
- 2. The District Collector,**
Collectorate,
Karur District, Tamil Nadu.
- 3. The Member Secretary,**
The Tamil Nadu Pollution Control Board,
Mount Salai, Guindy, Chennai- 600 032.
- 4. Commissioner,**
Department of Geology and Mining,
Industrial Estate,
Alandur road,
Chennai- 600 032.
- 5. The District Environmental Engineer,**
Tamil Nadu Pollution Control Board,
No. 26, Ramakrishna puram West,
Karur- 639001.
- 6. The Deputy Director,**
Geology and Mining Department,
Room No. 302, 3rd Floor,
Collectorate, Karur- 639007.
- 7. The Executive Engineer,**
Karur Distribution Circle,
Tamil Nadu Generation and Distribution Corporation,
TNEB Complex, 3, Kovai Road,
Karur- 639002.
- 8. M/s Sri Rathnagirishwarar Blue Metals,**
rep by its Proprietor Mr. M. Palaniayandi,
No.2/1, Shivayam North Village,
Ayyermalai Post, Karur- 639120.

9. M/s Navamani Mines Private Limited,

Rep by its Managing Director P. Mani,
Door No. 5/898, Azhagu Nagar,
Trichy Road, Namakkal- 637007.

10. Mr. Palaniyandi,

S/o Mr. Mottaiyandi,
No. 2/34, Ambalakarar Street,
Somarasampettai,
Sriangam taluk,
Trichy District.

...Respondent(s)

For Applicant(s):

Mr. AL. Somayaji, Sr. Adv. a/w. Mr. S.
Saravanan.

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. Thilagavathy, Sr. Adv. a/w. Mr. V.
Anandhamurthy, Mr. S. Koushik & Mr. S. Kuberan
for R8 & R10.
Mr. Srinath Sridevan, Sr. Adv. a/w. M/s. K. Rahul,
Roshan. A, Lavan Devi & Raja. S for R9.

Judgment Reserved on: 14th May, 2024.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. The above Original Application is filed to close the operation of the two units, namely, Sri Rathnagiriswarar Blue Metals (herein referred as "SRBM") and Navamani Mines Private Limited (herein referred as "NMPL"), the 8th and 9th respondent.
2. The applicant, who is Doctor by profession, was a partner in SRBM, which is the 8th respondent, by virtue of a Limited Liability Partnership agreement dated 14.12.2018. The said partnership consists of four partners and it was registered with the Registrar of Companies. The partnership was engaged in the business of mining of rough stone and

gravel and also crushing of rough stone which was conducted by 9th respondent, which is a proprietorship concern.

3. The applicant was an investing partner and the day-to-day operations of SRBM were carried on only by the 8th respondent, Palaniyandi and his son Mr. Vimalathithan. From 14.12.2018 to March, 2021, the applicant was a partner and from 08.03.2021, the applicant was made a designated partner and authorized signatory for banking operations. The 8th respondent is alleged to have engaged in various illegal activities and transactions in the name of SRBM which came to the knowledge of the applicant only later and that even the mining and crushing operations were also done illegally without any valid mandatory permission or licenses.

4. It is stated that the SRBM had initially obtained approvals from the Pollution Control Board and the Mining Department for the period from 2014 to 2019. The 'Consent to Establish' for the SRBM unit was granted on 31.08.2012 and the 'Consent to Operate' was granted on 09.12.2014. However, for the mining operations, the 8th respondent had applied for the Environmental Clearance only in the year 2019 and TOR was issued in 2020. Even before the Environmental Clearance could be obtained the unit was in operation without Environmental Clearance.

5. It is further alleged that the SRBM did not have appropriate license or Environmental Clearance till date and the proprietorship had not renewed the approval and the same was also operated illegally without any approval. The applicant has stated that between 2014 and October, 2022, there is illegal excavation of 02 lakhs cubic meter of rough stones approximately above the original permitted quantity that

was approved in 2014. It is stated that the original approval granted to SRBM was to operate machinery having a brand name "Super Crushers" having crushing capacity of 100 tones per hour which was hypothecated against the business loan. However, the 10th respondent sold the hypothecated machinery without the knowledge of the bank and further had restructured the loan for the old machine which was already sold out.

6. While so, the 10th respondent had applied for 'Consent to Establish' and 'Consent to Operate' for expansion for new machinery taken on rent having a capacity of 200 tones per hour which was rejected by the authorities. It is alleged that even after the rejection, the unit was operated. It is further stated that without the applicant's knowledge and without passing any company resolution a land to an extent of 1.59.50 ha., in Sy No. 9/2B in Sivayam Village, Karur District was purchased as an asset by one Mr. Mottaiyandi, who is the father of the 10th respondent, in the name of the company. The said Mottaiyandi without even obtaining mining lease or submitting a mining plan started to mine the rough stones illegally to the extent of 2.5 lakh cubic meters.

7. The allegation regarding the NMPL, which is the 9th respondent, is that it commenced its mining operations without proper approvals. The 'Consent to Operate' applied for stone crushing unit was rejected by the Pollution Control Board on 02.07.2004 and an appeal was preferred in Appeal Nos. 23 and 24 of 2019. As the Pollution Control Board withdrew the 01 km distance criteria between stone crushers, the NMPL also withdrew the appeals before appellate authority.

8. The respondent had done illegal mining to an alarming depth of 140 feet with a width of 03 acres and causing considerable damage to the land and environment. However, in order to avoid any penal action, the land purchased in Sy. No. 9/2B in Sivagam Village was sold away. Additionally, it is alleged that the stone quarry was using explosives which is prohibited for stone crushers and mining thus creating noise and air pollution. Thereafter the applicant demanded that the illegal activities be stopped by Mr. Palaniyandi and Mr. Vimalathithan and sought for return of her investment.
9. Subsequently, in a company resolution it was categorically admitted by them that the applicant, herein, was not responsible for any policy decision or day to day actions and it was admitted that only Mr. Palaniyandi and Mr. Vimalathithan were responsible for the same.
10. Eventually the applicant exited the business on 04.05.2022 and the retirement deed was signed on 06.05.2022. So, considering the illegal activities by Mr. Palaniyandi and his son Mr. Vimalathithan, the applicant has filed the above Original Application to stop any further activities by Mr. Palaniyandi and Mr. Vimalathithan without any approvals or clearances and to take strict action against them for causing damage to the environment.
11. **The 1st respondent, which is SEIAA, Tamil Nadu,** has filed their counter stating that 10th respondent had submitted an application for TOR on 16.08.2019 for rough stone and gravel quarry lease over an extent of 2.34.5 ha. Based on the presentation made, it was decided to recommend the proposal for grant of TOR. The proposal was again placed on 31.01.2020 and the authority decided to recommend the proposal of grant of TOR along with public hearing. Once again on

30.07.2020, the project proponent was issued with the grant of TOR with public hearing. Then again on 21.09.2020, TOR was granted along with public hearing which was valid up to 03 years from the date of issue of TOR.

12. In the meanwhile, the MoEF&CC had issued a gazette notification vide S.O. 751(E) dated 17.02.2020 stating that the TOR for the projects or activities except for River Valley and Hydro-electric projects issued by the concerned regulatory authority shall have the validity of 04 years from the date of issue. It is stated by SEIAA that the project proponent is yet to submit their EIA report to SEIAA, Tamil Nadu for them to consider the same.
13. **The 2nd respondent, District Collector, Karur,** has stated that the 10th respondent was given quarry lease under the provision of Rule 19(1) of the Tamil Nadu Minor Mineral Concession Rules, 1959 to quarry and remove gravel and rough stone for a period of 05 years from 10.07.2014 to 09.07.2019 in favour of the 10th respondent. After the expiry of the above-mentioned lease period, the 10th respondent had applied again on 01.03.2019, the same was processed and it is pending for disposal before the SEIAA, Tamil Nadu.
14. The 10th respondent also applied for grant of quarry lease over an extent of 1.11.50 ha, in Sy No. 8/1B of Sivayam (North) Village on 22.08.2022 which is also under process. The special team constituted by the District Collector, headed by District Revenue Officer (DRO) and assisted by the Assistant Director, Survey and Land Records, District Environmental Engineer, Tamil Nadu Pollution Control Board and Tahsildhars of all taluks had initiated appropriate action for field verifications and its consequent actions to be taken for any unlawful

activities. Apart from the above, the special team is also verifying all the quarries where leases expired, abandoned, operations under current lease periods and their adherence to the Act etc. Accordingly, the application mentioned property was also inspected by the special team on 03.12.2022.

15. It is also stated that constant vigil is being taken over for curbing illegal mining, transportation and storage of minerals by the taluk level task force constituted by the Government. Apart from that an exclusive special team for Karur District under DRO is also functioning to detect the mining related offences. The District Collector has specifically stated that the applicant from the date of entry into the partnership till her exit had not made any complaint to the concerned authorities regarding the functioning of the 8th, 9th and 10th respondents. She had initially issued notice only on 18.04.2022 and she has also retired from the partnership on 04.05.2022.
16. The District Collector has stated that if and when any report is received from the special task force or from the taluk level task force appropriate action will be taken.
17. **The Pollution Control Board** has stated that the 10th respondent has made an application for 'Consent to Establish' for establishing a stone crusher unit on 23.08.2012. The said unit was inspected by the officials of the Pollution Control Board and it was reported that the proposed site complies with the siting criteria prescribed in BP No.4 dated 02.07.2021 and 'Consent to Establish' was issued on 31.08.2012. After establishment, 'Consent to Operate' was applied and the same was issued on 09.12.2014 the consent orders were renewed to the unit for the period ending upto 31.03.2024. Currently the unit

was operating and no consent was issued in the name of Mr. Palaniyandi for mining operations.

18. The Pollution Control Board has further stated that erstwhile company M/s Techtrans Construction India Pvt. Ltd is renamed as M/s Navamani Mines Pvt. Ltd., which had made application for obtaining 'Consent to Establish' for new stone crushing unit. Based on the application the site was inspected and as the unit did not comply with the siting criteria prescribed in BP Ms. No. 4, the renewal of the consent was not granted.
19. An appeal was made before the Appellate Authority of the Pollution Control Board in Appeal Nos. 23 and 24 of 2019. During the pendency the Pollution Control Board relaxed the distance criteria between stone crushers. Therefore, a new application was made by the 9th respondent, based on the above 'Consent to Establish' was granted on 28.08.2019. After the establishment an application for 'Consent to Operate' was made, however, as the BP Ms. No. 21 dated 31.07.2019 was stayed by the Hon'ble High Court once again the distance criteria were not met by the unit and the 'Consent to Operate' was rejected.
20. Pursuant of our direction, the quarry site and the crushing units were inspected by Pollution Control Board on 01.02.2023 and found that quarries were not in operation. However, the stone crushers were found to be in operation within the consented capacity.
21. **The 6th respondent, who is the Deputy Director, Department of Geology and Mining,** has stated that vide proceedings of the Revenue Divisional Officer (RDO) dated 03.05.2023 a sum of Rs. 23,54,14,500/- (Twenty-Three Crores Fifty-Four Lakhs Fourteen

Thousand Five Hundred) have been levied on the 10th respondent for illegally quarrying and transportation of 5,36,250 cubic meters of rough stone over an extent of 16,250 in Sy. No. 2/2 of Sivayam North Village, Karur District.

22. Aggrieved by the orders of the RDO, the 10th respondent preferred an appeal for the 2nd respondent, District Collector and the same is pending disposal. Against the order of the District Collector there is one more appeal provided before the Director of the Geology and Mining.
23. **The 8th respondent, Sri Rathnagiriswarar Blue Metals** which is a partnership concern and the 10th respondent is Mr. Palaniyandi. The 10th respondent states that the applicant was inducted as partner in the 8th respondent's Limited Liability Partnership agreement dated 14.12.2018. Subsequently two supplementary LLP agreements dated 08.03.2021 and 06.05.2022 were executed by amending earlier LLP agreements. The applicant was unanimously appointed as designated partner on her willingness on 08.03.2021 as one of the partners retired on 06.05.2022 and their contribution has been released.
24. The 10th respondent denied the fact that the applicant was only an investing partner and was never involved in the day-to-day administration or any policy decision of the LLP. It is stated that brother of the applicant one Mr. Prasannaraj was managing the day-to-day affairs of the 8th respondent till the dispute arose when the applicant demanded exorbitant amount.
25. The 10th respondent further has stated that they have obtained the 'Consent to Operate' for the crusher unit and was periodically renewed

which was valid till 31.03.2024 and there is no quarry operations in SY. No. 2/2 of the Sivayam Village. It is admitted by the respondent that one primary crusher, one secondary crusher and one cone crusher were installed for the purpose of expansion. Since the applicant was largely making many complaints, they are not put to operations and only those machines which are covered under the license are being operated. The Pollution Control had not yet granted consent for expansion.

26. It is stated that the crusher unit of the 8th respondent situated in Sy. No. 2/1 has valid consent and it is renewed upto 31.03.2024. The quarrying activity in Sy. No. 2/2 is not in operation as the lease expired as early as on 09.07.2019. The crushers operations are carried only by purchasing boulders from outside. Therefore, it is stated that there is no truth in the allegations leveled against the 10th respondent and sought for dismissal of the application.
27. **The 9th respondent, M/s Navamani Mines Pvt. Ltd,** in his reply stated that the applicant was not inducted as a partner in the same. The 9th respondent begun operations only in September, 2022 by which time the applicant was not a partner in any of the respondent entities. Though, the NMPL owns rough stone and gravel quarry, no quarry operation is taking place in the quarry. The unit had obtained its TOR from SEIAA on 24.09.2020 which was valid till 23.09.2023.
28. The NMPL was originally controlled by one Mr. P. Mani who purchased from Mr. H. Ramesh, Director of the M/s Techtrans Constructions India Pvt. Ltd. Later, the said Mr. Mani handed over the operations of the crushers owned by NMPL and the 9th respondent is operating the same. The said stone crushing unit, NMPL, is in commercial operations from the date of obtaining consent i.e. September, 2022 and the

'Consent to Operate' is valid till 31.03.2029 for production of blue metal chips.

29. According to the report of the Tamil Nadu Pollution Control Board, the unit had two numbers of cone crushers and one number of VSI crusher as against the consented machinery of 01 number of cone crusher for the production of the blue metals of various sizes. The unit also had installed additional cone crusher, conveyer, vibrating screen and collection chamber arrangement for the production of 40mm metals.
30. The 9th respondent also states that though the two cone crushers are available, the impactor is removed from one cone crusher which is also confirmed by the Pollution Control Board. Only those machineries which are covered under the licenses are being operated by this respondent. It is pertinent to note that once the cone crusher is removed, the crushing cannot take place as the structural base or motor arrangements and vibrating screen are of no consequence.
31. Hence this respondent prayed that there is no case made out against NMPL having indulged in any illegal mining and the entire allegations made by the applicant are frivolous, vexatious and absolutely without any base.
32. Heard Mr. A.L. Somayaji, Senior Advocate along with Mr. S. Saravanan for the applicant. Mr. G. M. Syed Nurullah Sheriff for 1st respondent, Dr. D. Shanmuganathan for State of Tamil Nadu, Mr. Mohammed Salihu for Mrs. Shanmugavalli Sekar for Tamil Nadu Pollution Control Board, Mrs. Thilagavathy, Senior Advocate along with Mr. V. Anandhamurthy, Mr. S. Koushik and Mr. S. Kuberan for 8th and 10th

respondent and Mr. Srinath Sridevan, Senior Advocate along with Mr. K. Rahul Roshan, Mr. A. Lavan Devi and Mr. Raja for 9th respondent.

33. In the above factual matrix, the questions that arise for consideration are:

- i. Whether the prayer for closure of the operation of the mining and stone crushing units of the 8th and the 9th respondent is required?
- ii. If the 8th and the 9th respondent are doing illegal operations, what is the compensation payable by them for the violations committed and the damage caused to the environment?

34. The allegation of the applicant is that 8th to 10th respondent are carrying on with the quarrying and crushing operations without obtaining Environmental Clearance, Consent for Establishment (CFE) and Consent for Operation (CFO) from the Tamil Nadu Pollution Control Board. Originally the crushing unit had consent to operate which was valid upto 31.03.2024. While so, he proposed to apply for 'Consent to Establish' for expansion during the end of the year 2020. Even while applying for the consent for expansion, the unit had installed one primary crusher, one secondary crusher and one cone crusher and one number of VSI crusher with sand washer was yet to be installed.

35. Admittedly, the above machineries were installed which was required for expansion even before the consent was granted. Whether they started operating or not was to be ascertained. The District Collector, Karur had inspected the area through a special team on 03.12.2022. The report of the Collector says that the applicant was a partner in the

8th respondent firm on 14.12.2018 and was relieved and retired from the same on 04.05.2022. As per proceedings of the Collector in R.c. No.99/Mines/2012 dated 10.07.2014 a minor mineral quarry lease under the provision of Rule 19(1) of the Tamil Nadu Minor Mineral Concession Rules 1959 to quarry and remove gravel and rough stone over an extent of 2.34.50 ha., in patta S.F. No. 2/2 of Sivayam (North) Village, Krishnarayapuram taluk in Karur District was granted to the 10th respondent-M. Palaniyandi for a period of 05 years from 10.07.2014 to 09.07.2019. Before the expiry of the above lease, an application was made for renewal. The said application was processed as per the procedures and it was pending disposal from the SEIAA in File No.734/SEAC/TOR/686/2020.

36. The 10th respondent also had applied to the 6th respondent, Deputy Director, Department of Geology and Mining for grant of quarry lease over an extent of 1.11.50 ha., in S.F. No. 8/1B of Sivayam (North) Village on 22.08.2022. The same is also under process. Similarly, the 9th respondent also preferred an application for grant of quarry lease to quarry and remove the gravel and rough stone over an extent of 2.80.5 ha., in S.F. Nos. 15/1 and 15/2 of Sivayam (North) Village on 26.04.2019. The same is also processed and pending before the SEIAA.

37. The 8th respondent was issued with a registration certificate in the name of the proprietor under Rule 5(3)(a) of the Tamil Nadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealers Rules, 2011 dated 21.10.2020 for a period of 05 years i.e. till 20.10.2025 for storing, processing, consuming rough stone boulders to produce stone jelly, M-sand, P-sand and crusher

dust over an extent of 2.60.0 ha., in S.F. No. 2/1 of Sivayam (North) Village.

38. The District Collector has stated that the Tahsildhars of all the taluks of Karur District and Inspector of Police of the respective jurisdiction have initiated action for field verifications and the consequent actions to be taken, if there are any unlawful activities. The said team is also verifying the quarry of the lease expired, abandoned and operating under current lease periods and their adherence to the acts and rules. Accordingly, the application mentioned area was also inspected on 03.12.2022.
39. The District Collector has specifically stated that the applicant from the date of entry into the 8th respondent firm on 14.12.2018 till the date of her exit dated 17.04.2022 had not made any complaint to the concerned authority regarding the functioning of the 8th to 10th respondent. On 18.04.2022 she gave notice to the other partners and from 01.07.2022 she had given the complaints and petitions under Right to Information Act, 2005 regarding the activities of the 8th to 10 respondents.
40. The 2nd report of the District Collector has mentioned about the inspection made by the Special District Level Team on 03.12.2022 which reveals that 10th respondent had quarried beyond the previously permitted depth of 12m by SEIAA as per the earlier lease operated in 1.62.50 ha., out of 2.34.50 ha., in S.F. No. 2/2. Thus, the 10th respondent had quarried and removed 5,36,250 cubic meters of rough stone by using modern machineries.

41. The Special District Level Team reports were referred to the RDO, Kulithalai on 25.02.2023 to take appropriate action under the Tamil Nadu Minor Mineral Concession Rules, 1959. The District Collector has specifically stated that a constant vigil is being done for curbing the illegal mining, transportation and storage of minerals by the Taluk Level Task Force. Apart from that an exclusive special team for Karur District under the District Revenue Officer from 24.02.2022 is also functioning to detect mining related offences.
42. The Pollution Control Board after inspection on 24.08.2022 reported that the proposed site complies with siting criteria prescribed in B.P. No.4 dated 02.07.2004. After establishment of the stone crusher, the unit applied for Consent to Operate and the same was issued on 09.12.2014 for manufacturing of blue metal jelly of various sizes. The said consent order was periodically renewed and validity obtained till 31.03.2024. The unit is under operation and the consent order has been issued in the name of Mr. Palaniyandi/SRBM for mining operations.
43. The Pollution Control Board has categorically stated that the consent order was issued only for the crusher unit and no consent order was issued in the name of the 10th respondent or 8th respondent for mining operations. The 9th respondent had obtained consent which was valid till 31.03.2024 for establishing stone crushing units and M-sand manufacturing unit.
44. The new management in the name of 9th respondent-M/s Navamani Pvt. Ltd (formerly M/s Techtrans Construction India Pvt Ltd) made an application through OCMMS for obtaining Consent to Establish for new stone crushing unit. Based on the application, the site was inspected

on 04.04.2019 and it was observed by the Pollution Control Board that the civil structure of the old stone crusher unit was found in a damaged condition and there were no approved habitations within 500m radius of the site. The Thasildar, Krishnarayapuram also informed that there were no residential plots, approved layouts, schools and National Highways or State Highways within 500m radius from the site.

45. The Pollution Control Board also found 03 more of the stone crusher units located within 01 km distance from the site of the 9th respondent unit. They are M/s Vaigai Blue Metals, M/s Reena Crusher unit and M/s Rathinagiriswarar Blue Metals. In view of the above, the 9th respondent was considered as a new site and the site did not comply with the 01 km siting criteria as prescribed in B.P. No. 4. Further the erstwhile unit, M/s Techtrans Construction India Pvt Ltd also did not renew the consent after 30.09.2012. As the District Level Consent Clearance Committee (DLCCC) found that the application filed by the 9th respondent could only be considered as new site application and decided to reject the application for renewal. The refusal order was issued on 10.04.2019.

46. The 9th respondent made an appeal before the Appellate Authority of Tamil Nadu Pollution Control Board in Appeal Nos. 23 and 24 of 2019. In the meanwhile, the B.P. No. 21 dated 31.07.2019 was issued which relaxed the 01 km distance criteria between stone crushers. Therefore, the 9th respondent once again submitted a new application on 10.08.2019 based on the B.P. No. 21. Accordingly, Consent to Establish was issued on 21.08.2019 rendering the appeals filed in Appeal No.23 and 24 infructuous. However, in W.P. No.26789 of

2019, the Hon'ble High Court of Madras has stayed the operation of B.P. No. 21 dated 31.07.2019.

47. In the meanwhile, the 9th respondent had completed the installation of all machineries for stone crusher and M-sand and applied for 'Consent to Operate' on 06.03.2020. The DLCCC in its meeting dated 07.01.2021 had decided to refuse the application for Consent to Operate as already three stone crushing units are in operation. The 01 km relaxation given by the Board was stayed by the Hon'ble High Court. Once again, the unit had preferred appeal against the said order in Appeal No. 1 and 2 of 2021. The appeals were allowed directing the Board to reconsider the application of the 9th respondent once again, thereafter, the Board had issued the 'Consent to Operate' on 19.09.2022 and presently the unit is in operation.
48. While so, the report of the Deputy Director, Department of Geology and Mining, which is the 6th respondent, stated that the RDO by proceedings dated 03.05.2023 had levied a sum of Rs. 23,54,14,500/- on the 10th respondent for illegal quarrying and transportation of 5,36,250 cubic meters of rough stone over an extent of 16,250 sqm in S.F. No. 2/2, Sivayam (North) Village, under the provisions of Rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959. The above said levy includes seigniorage fees, cost of minerals and the area assessment. The said order was challenged by the 10th respondent in an appeal before the 2nd respondent, District Collector and it is pending disposal. The 10th respondent further has an appeal provided before the Director of Geology and Mining under Rule 36-C(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959 against the order of the Collector.

49. The Learned Counsel appearing for the applicant would state that as the 6th respondent had levied the penalty which goes to show that 10th respondent has done illegal mining in excess of the permissible limit.
50. In this regard, the Joint Inspection report by Tamil Nadu Pollution Control Board and the SEIAA carried out on 16.03.2023 has furnished the particulars about the 8th and 9th respondents. The said report has specifically stated after inspection that the 8th respondent unit was not in operation but one number of primary crusher-Jaw type, one number of secondary crusher-Jaw type are installed in the premises. The unit has also installed secondary crusher within a covered shed. A cone crusher was kept idle in the unit and not installed in the crushing circuit. No M-sand and P-sand was carried in the premises.
51. Regarding the Navamani Mines Pvt Ltd, which is 9th respondent, it is found that the said unit was also not in operation and the Primary crusher-Jaw type and cone crusher were installed in the premises. One number of VSI pulveriser was also installed in the premises. The unit had installed cone crusher and VSI pulveriser within the covered shed and there was one number of collection tank and two number of settling tanks for the processing of M-sand wash water.
52. Regarding the quarry of the 10th respondent, it was found to be not in operation and there was no quarry activity in the pit. The TOR was issued to the said quarry on 31.01.2020 for a validity period of three years from the date of issue, for submission of EIA report with public hearing. The public hearing is yet to be conducted.

53. Regarding the 9th respondent, the site for proposed quarry is kept vacant. The TOR issued on 24.09.2020 for a period of three years is awaiting the EIA report and public hearing.
54. In the meanwhile, it is brought to the knowledge that the Environmental Clearance has been granted in favour of the 9th respondent for rough stone and gravel quarry on 05.01.2024 for an extent of 2.80.5 ha., in S.F. Nos. 15/1 and 15/2 Sivayam (North) Village. The said Environmental Clearance is under challenge in Appeal No. 27 of 2024 which is pending before us.
55. From the above, it is evident that though the quarries did not have the valid Environmental Clearances and the valid 'Consent to Operate', the mining operations have been carried on. The proceeding of the Deputy Director, Department of Geology and Mining dated 03.05.2023 is not available. Therefore, the period for which the levy of Rs. 23,54,14,500/- made is not clear. The appeal before the District Collector is made only by the 10th respondent which is pending. If the proceedings spell out the period during which the illegal mining happened and if the applicant was an active partner during the said period, she will also be liable to pay the same.
56. In the submissions made during the proceedings, discrepancies regarding the operational status of the units owned by the 8th and 9th Respondents have also come to light. Specifically, the report dated November 7, 2023, submitted by the 7th Respondent, Tamil Nadu Generation and Distribution Corporation (TANGEDCO), shows electricity consumption data that contradicts the reports from TNPCB and SEIAA which claimed the units were non-operational during certain inspection periods. The detailed utility bills for March and July

2023, for instance, reveal significant energy usage, suggesting that the operations were active, contrary to the periods reported as non-operational. This necessitates a closer examination to ascertain the true operational status during those times.

57. Additionally, this Tribunal notes the irregularities in the transportation documentation practices of the 9th Respondent, specifically concerning the dispatch slips. The submissions reveal missing signatures and inconsistencies in these documents, which are essential for verifying the lawful transportation of materials. This lack of complete and accurate documentation impedes transparent verification of operational activities. Therefore, it is imperative that the Tamil Nadu Pollution Control Board look into the dispatch and transportation documents associated with the 9th Respondent.

58. Given the discrepancies noted in the TANGEDCO report regarding electricity usage, it becomes imperative to reassess the extent and timeline of operational activities in relation to the environmental violations alleged. The Department of Geology and Mining has already levied penalties, indicating recognized violations. However, the critical task remains for the Tamil Nadu Pollution Control Board to not only levy but also effectively enforce the collection of Environmental Compensation. While the assessment of such compensation has been reported, actions for recovery remain uncertain.

59. In the light of the above conspectus of the facts, it is clear that the respondent 8 and 10 have carried on illegal mining and quarry activities. Therefore, we direct the District Collector, who is now seized of the appeals to consider the period during which the said violations occurred. In the event, the violations had happened during the period

when the applicant was a partner in the firm, she also becomes jointly liable for making the payment. Therefore, the said question also has to be looked into by the District Collector while hearing the appeal.

60. Similarly, the Tamil Nadu Pollution Control Board, who has levied the interim Environmental Compensation, is directed to ascertain the period for which the said amount is levied and also proceed to arrive at the final Environmental Compensation and initiate appropriate proceedings to recover the same and report the compliance.

61. In the result,

(i) The District Collector while hearing the appeal is directed to consider the period during which the violations occurred. In the event, the violations had happened during the period when the applicant was a partner in the firm, she also becomes jointly liable for making the payment.

(ii) The Tamil Nadu Pollution Control Board is also directed to ascertain the period for which the penalty amount is levied for illegal quarrying and also proceed to arrive at the final Environmental Compensation and initiate appropriate proceedings to recover the same and report the compliance.

(iii) The Committee comprising of (i) Regional Office-MoEF&CC, Chennai, (ii) CPCB, (iii) TNPCB and (iv) Superintending Engineer- TANGEDCO of the concerned circle should (a) examine the power consumption pattern of the units to arrive at excess production of the crushing units and report to the TNPCB to take necessary action following due process of law and (b) examine the dispatch slips maintained by the 9th

respondent to verify the supplies received. Based on the report of the Committee appropriate action may be taken by the authorities concerned.

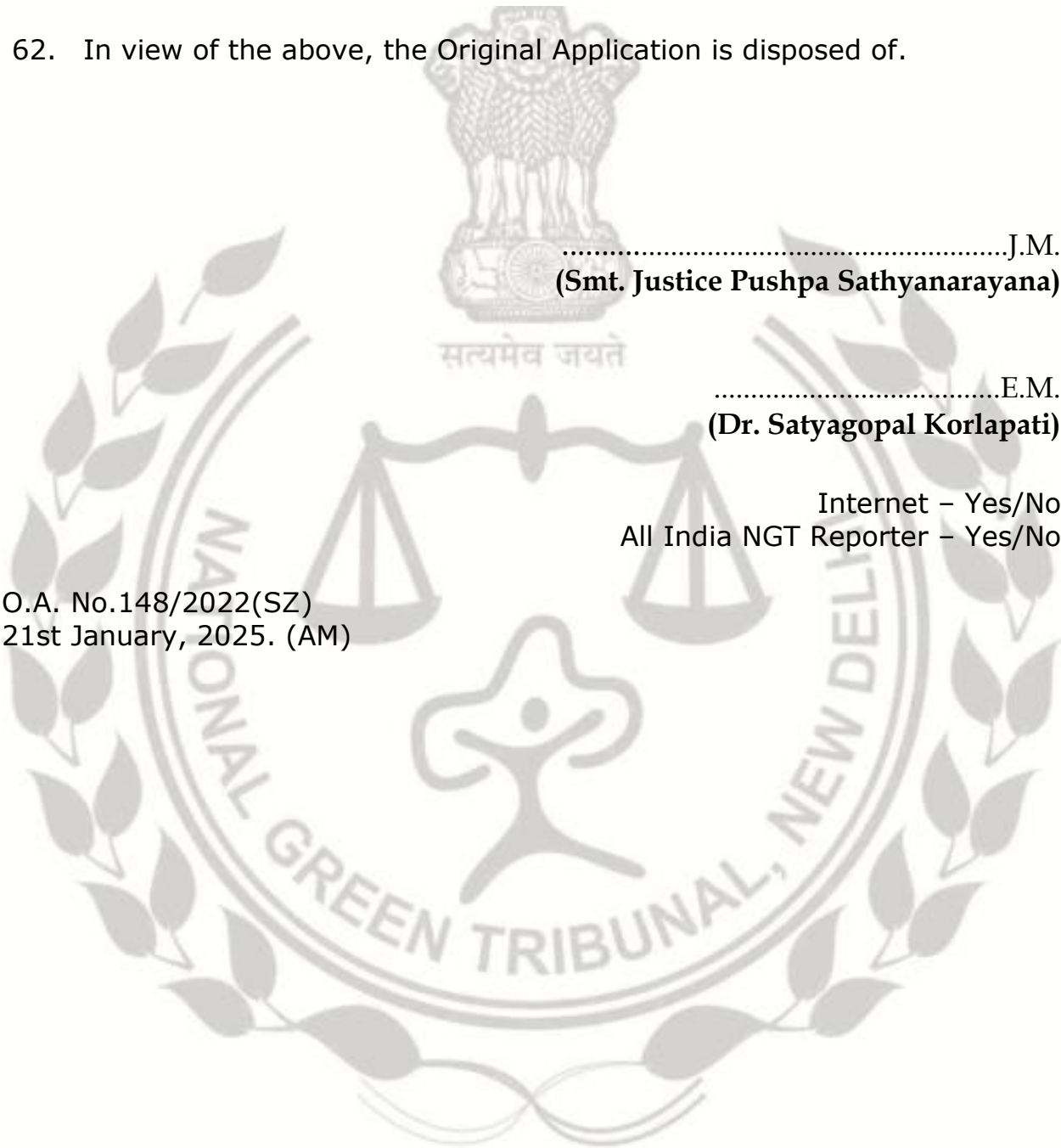
62. In view of the above, the Original Application is disposed of.

.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)

Internet – Yes/No
All India NGT Reporter – Yes/No

O.A. No.148/2022(SZ)
21st January, 2025. (AM)



NGT

**Before the National Green
Tribunal
Southern Zone (Chennai)**

O.A. No. 148 of 2022 (SZ)

Dr. Sushmitha
Vs.

The Member Secretary & Ors.

O.A No. 148/2022(SZ)
21st January 2025. (AM)

NGT