

Item No.10:

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

Tuesday, the 21st day of March 2023.

(Through Video Conference)

Original Application No.98 of 2022(SZ)

IN THE MATTER OF:

1) Velupula Narsaiah

S/o. Veeraiah, Aged 60 years
Thonda Village, Thirumalagiri Mandal,
Suryapet District, Telangana – 508 223.

2) Velupula Ramakrishna

S/o. Venkaiah, Aged 45 years,
Thonda Village, Thirumalagiri Mandal,
Suryapet District, Telangana – 508 223.

3) Neerati Venkanna

S/o. Soma Narsaiah, Aged 50 years
Thonda Village, Thirumalagiri Mandal,
Suryapet District, Telangana – 508 223.

...Applicant(s)

Versus

1) The Chairman

State Level Environmental Impact Assessment Authority (SEIAA)
Telangana State, Government of India
Ministry of Environment, Forests, Climate Change,
A-3, Industrial Estate, Sanathnagar,
Hyderabad – 500 018.

2) The Member Secretary

Telangana State Pollution Control Board
Hyderabad, Telangana – 500 018.

3) The Joint Chief Environmental Engineer

Zonal Office, 25-35/11, Tulasireddy Complex,
2nd Floor, Opp: Government ITI College, RC Puram,
Sangareddy District, Telangana – 502 032.

4) The Principal Secretary

Government of Telangana
Industries and Commerce Department (Mines – I),
5th Floor, BRKR Bhawan,
Secretariat, Hyderabad, Telangana – 500 063.

5) The Director of Mines and Geology,

Government of Telangana
My home Sarovar Plaza,
Flat No.203 & 204, 2nd Floor, H.No.5-922,
Shapurwadi, Adarshnagar, Secretariat Road,
Hyderabad, Telangana – 500 004.

6) The Deputy Director of Mines and Geology,

Hyderabad, Government of Telangana
Hyderabad, Telangana – 500 079.

7) The Assistant Director of Mines and Geology

Suryapet,
H.No.1-2-270/87/33/B, Krishna Nagar colony,
Road No.3, Suryapet – 508 213,
Suryapet District, Telangana.

8) The District Collector, Suryapet

District Collectorate Office,
Suryapet – 508 213, Telangana.

9) The Mandal Revenue Officer

Munagala Mandal, Suryapet District – 508 233
Telangana State.

10) The Director General

Vigilance & Enforcement Department
Government of Telangana
Hyderabad, Telangana – 500 063.

11) The Regional Vigilance & Enforcement Officer

Vigilance & Enforcement Department,
Government of Telangana,
Nalgonda, Telangana – 508 001.

12) G. Peddulu

S/o. Kondaiah,
R/o. H.No.6-3/4, Thonda Village,
Thirumalagiri Mandal, Suryapet District,
Telangana – 508 223.

...Respondent(s)

For Applicant(s): Dr. Venkat Reddy Donti Reddy and
Mr. Ramesh Ganapathy.

For Respondent(s): Ms. J. Dayana represented
Mr. T. Sai Krishnan for R1 to R3.
Mrs. Renukadevi represented
Mrs. H. Yasmeen Ali for R4 to R11.
Mr. Manohar Reddy for R12.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

ORDER

- 1.** The main prayer in this application is for the cancellation of the quarry lease for road metal and rough stone granted in favour of the 12th respondent over the land to an extent of 1 Hectare in Sy. No.683 of Thonda Village, Thirumalagiri Mandal, Suryapet District, State of Telangana.
- 2.** It is alleged in the application that the quarry lease holder also has established a mobile stone crushing unit in the lease area without taking permission from the Department of Mines and Geology and doing illegal operations and extracting a huge quantity of minerals in the quarry lease area and also outside the lease area.
- 3.** The complaint is that the quarry lease owner should have taken the revised mining plan, Environmental Clearance (EC) and Consent from the State Pollution Control Board for the enhanced quantity of mineral extracted. Since the quarrying activity is done in violation of the lease conditions, the cancellation of the quarry lease is sought for.
- 4.** The applicant had further complained that because of the illegal quarrying, there is an environmental damage, as the quarry is alleged to be situated within 500 Meters of the dwelling houses of Thonda Village and 100 Meters of the agricultural lands. In this regard, a notice was issued by the Telangana State Pollution Control Board.

5. The Telangana State Pollution Control Board has filed its report dated 17.03.2023, wherein in Para (8), it is stated as follows:-

"8. The above issue was reviewed before the Board's Task Force Committee meeting held on 10.03.2023. The industry representative attended the meeting and informed that, they proposed to procure the metal boulders from other sources till their mine obtains necessary permissions like, EC, CFE & CFO and revocation of closure order. He also informed that, they will not operate the mine till they obtain necessary permissions. He requested the Board to issue revocation of closure order to their crusher. After detailed discussions, the committee recommended not to consider the industry's revocation of closure order to the stone crushing unit and also recommended to re-submit the request for revocation of closure order by the industry after obtaining necessary permissions or MoU with other mines/suppliers for raw metal boulders to use as raw material for stone crushing activity."

6. In the report of the Pollution Control Board, it is specifically stated that the 12th respondent had informed that the mining will not be operated till they obtain the necessary permissions and the revocation order already issued by the Pollution Control Board also will not be reviewed unless the industry gets necessary permission. So, from the above report, it is evident that the quarrying/crushing unit is not in operation.

7. The Assistant Director of Mines and Geology Department, Suryapet has also filed a report dated 18.03.2023, the relevant portion of which is as follows:-

"2. Accordingly Sri S. Yellaiah has filed transfer of Quarry Lease application Dt. 01.08.2008 in favour of Sri G.Peddulu for the Quarry Lease area in Sy. No.683 of Thonda Village Thirumalagiri Mandal over an extent of 1.00 Hect., for the existing valid period up to 14.12.2017 (ANNEXURE -IV). Subsequently, the Dy.Director of Mines & Geology, Hyderabad vide proceedings No. 601/Q-II(2)/2009, Dt.04.02.2009 (ANNEXURE -V) has issued transfer of Quarry Lease grant orders in favour of Sri G. Peddulu in Sy. No.683 of Thonda Village Thirumalagiri Mandal for the existing valid period up to 14.12.2017.

3. Sri G. Peddulu has filed 1st renewal of Quarry Lease application on 04.10.2017 in Sy. No.683 of Thonda Village Thirumalagiri Mandal over an extent of 1.00 Hect., for further period of (15) years. Further, the Quarry Lease holder Sri G. Peddulu has filed representation before the Government i.e. Principal Secretary (Mines) Ind & Comm. Department,

Telangana State and informed that the lease is going to expired on 14.12.2017 and as per G.O.Ms. No. 48, Ind., & Comm., Dept., Dt. 26.07.2017 (ANNEXURE - VI) eligible to continue the quarrying operations for a period of (20) years and requested to extend the Quarry Lease period for a further period of (05) years keeping in view of the quarried stone Metal being to feed the stone crusher unit held by them in adjacent to their quarry lease.

4. The Government vide Memo No. 3381/M.I(2)/2019, Dt. 11.02.2020 (ANNEXURE - VII) have accorded permission for extension of Lease period for a further period of (5) years for the Quarry Lease for Rough Stone & Road Metal over an extent of 1.00 Hectare in Sy. No. 683 of Thonda Village, Thirumalagiri Mandal of Suryapet District in favour of Sri G. Peddulu as per the Rule 15(1) of TSMNC Rules, 1966 and amendment vide G.O.Ms. No. 48, Ind., & Comm., (M.I) Dept., Dt. 26.07.2017 as the same quarry lease serving as captive source (self quarried material is being utilized in the self Stone Crusher) for the stone crusher subject the satisfaction Telangana State Minor Mineral Concession Rules, 1966 and further amendments thereon.

5. The Dy. Director of Mines & Geology, Hyderabad vide Proc. No. 601/Q-II(2)/2009, Dt. 11.03.2020 (ANNEXURE-VIII) has accorded permission for extension of Quarry Lease orders for further period of (5) years w.e.f. 14.12.2017 to 13.12.2022 in favour of Sri G. Peddulu in Sy. No. 683 of Thonda Village, Thirumalagiri Mandal of Suryapet District over an extent of 1.00 Hectare under Rule 15(1) of TSMNC Rules, 1966 on the grounds that the Stone Crusher unit erected by the lessee so as to sustain exclusively to feed the raw material from the lease hold area.

6. The Quarry Lease holder Sri G. Peddulu has filed renewal of Quarry Lease application through Mines & Geology Department online portal on 11.12.2021 (ANNEXURE - IX) vide application No. R/SUR/0008 for further period of (20) years in Sy. No. 683 of Thonda Village, Thirumalagiri Mandal of Suryapet District over an extent of 1.00 Hectare. Accordingly, the Dy. Director of Mines & Geology, Hyderabad has issued LOI (Letter of Intent) Notice vide No. LOI/R/SUR/0003, Dt. 18.05.2022 (ANNEXURE -X) and requested for submission of scrutinized Quarry Plan along with Environmental Clearance, Consent for Establishment and Consent for Operation within (06) months from the date of the Notice for renewal of Quarry Lease for Rough Metal & Building Stone over an extent of 1.00 Hectare in Sy. No. 683 of Thonda (V), Thirumalagiri (M), Suryapet District filed by Sri G. Peddulu.

7. This office Technical staff have inspected the Quarry Lease area for Stone & Metal held by Sri G. Peddulu in Sy. No. 683 of Thonda Village, Thirumalagiri Mandal of Suryapet District on 27.10.2021 and 19.10.2022 (ANNEXURE -XI). As per the reports, the Quarry Lease area is under Non working condition and this office not issued any dispatch permits to the lease holder of Sri G. Peddulu as the Telangana State Pollution Control Board vide order No. NLG- 246/TSPCB/TF/HO/2021-1656, Dated:06.01.2022 has issued closure orders to the quarry lease under non submission of CFE/CFO and the interest of protecting public Health and Environment. Further as per the inspection reports the Quarry lease holder Sri G. Peddulu has dispatched stocked quantity for Stone& Metal for a quantity of 2820 MT in the Quarry Lease area and utilized through his Stone Crushing unit without valid permit and payment of seigniorage fee, hence

violated Rule 34 (1) of Telangana State Minor Mineral Concession Rules, 1966 and liable for collection of seigniorage fee along with penalty under Rule 26(3)(II) of TSMNC Rules 1966. Accordingly, this office issued Show Cause Notice Vide No.22411/Q/2008, Dt.02.11.2022 (ANNEXURE -XII) to the quarry lease holder of Sri G.Peddulu for explanation on the utilized the stocked quantity 1880M3/2820MT of Rough Stone & Road Metal in the quarry lease area was being utilized in Stone Crushing unit without payment of Seigniorage fee and permits under violation Rule 26(3)(II) of TSMNC Rules 1966. Meanwhile Sri G.Peddulu has submitted representation in this office on 23.11.2022. (ANNEXURE-XIII), as per the representation the lease holder Sri G.Peddulu has requested for extension of 45 days time for submission of explanation on the Cole Show Cause Notice. But Sri G.Peddulu has failed to submit explanation even after 45 days. Subsequently this office issued the Demand Notice vide Bond No.2411/Q/2008, Dt.30.1.2023 (ANNEXURE-XIV) to Sri G. Peddulu, Quarry Lease holder directed to pay the normal seigniorage fee along with (05) times penalty of and other statutory payments totalling an amount of Rs. 11,62,122/- for the utilized the stocked quantity of Rough Stone & Road Metal for a quantity of 2820 MT without payment of Seigniorage fee and permits under violation Rule, 26(3)(II) of TSMNC Rules, 1966.

... ..

Further submitted that, aggrieved by the Demand Notice of this office, Sri G. Peddulu, the Quarry Lease holder has filed Revision petition on 17.02.2023 before the Chief Secretary and Principal Secretary, Mines & Geology Department, Government of Telangana with a request to set-a-side this office Demand Notice (ANNEXURE-XV). The same revision petition is pending at Government level.

At present the quarry lease of Sri G.Peddulu was expired on 13.12.2022. Further the quarry lease and stone crusher of Sri G.Peddulu is under non working."

8. So, from the above report, it is evident that there is no subsisting lease as on date and also there is no valid Consent for Establishment (CFE) and Consent for Operation (CFO) and also a valid Environmental Clearance (EC) for the crushing unit.
9. The learned counsels representing the State Pollution Control Board as well as the State Government also stated that unless the valid Environmental Clearance (EC) is obtained by the project proponent, the grant of a lease or issuing a Consent for Establishment (CFE) and Consent for Operation (CFO) will not arise.

10. In the above circumstances, we are of the view that

(i) The prayer sought for by the applicant is satisfied.

(ii) As both the authorities have stated that the project proponent had violated the rules and regulations, we direct the Telangana State Pollution Control Board as well as the Department of Mines and Geology to impose a penalty and collect the levy of environmental compensation.

11. Accordingly, the Original Application [O.A. No.98 of 2022 (SZ)] is disposed of. सत्यमेव जयते

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.98/2022(SZ)
21st March 2023. Mn.

NGT