

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

**Application Nos. 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and
36 of 2017 (SZ)**

IN THE MATTER OF:

S. Nandagopal
S/o. Seprumal,
S.A. Peramanur,
Salem Taluk,
Salem District .. Applicant in A.No.25 of 2017

A. Palaniappan,
S/o. Ayee Gounder,
Thottiyankadu,
Parappatty Village and Post,
Mallur Via, Salem Taluk,
Salem District .. Applicant in A.No.26 of 2017

P. Thirugnanam,
S/o. M. Palanisamy,
2/48, Mettukadu,
Santhiyur Atyampatty Post,
Mallur Via, Salem Taluk,
Salem District .. Applicant in A.No.27 of 2017

K.M. Ramasamy,
S/o. Muthusamy Gounder,
Kandampalayam, Konur Post,
Paramathi Velur Taluk,
Namakkal District .. Applicant in A.No.28 of 2017

M. Dhanraj,
S/o. Munusamy Gounder,
Thottiyankadu,
No.270/1, Nehru Nagar,
Karumalai Koodal,
Mettur
Salem -636 402. .. Applicant in A.No.29 of 2017

R. Ashok Kumar,
S/o. C. Rajamanickam,
No.2/49, Sakthi Nagar,
Behind MDS Nagar,
Hasthampatti,
Salem Taluk,
Salem District-636 007 .. Applicant in A.No.30 of 2017

M. Madhvakannan,
S/o. Mathanan,
No.100, Thandan Street,
Shevapet,
Salem District

.. Applicant in A.No.31 of 2017

Sri Parasakthi Crusher Private Limited,
Rep. by its Managing Director,
P. Baskaran,
S/o. Palaniappan,
Varagampadi Village,
Masinaickenpatti Post,
Valapadi Taluk,
Salem District -636 103



सत्यमेव जयते .. Applicant in A.No.32 of 2017

K. Ganesh,,
S/o. K. Kaliannan,
No.2/155, Thennamarathupalayam,
Marapparai,
Tiruchengode Taluk,
Namakkal- 637 410

.. Applicant in A.No.33 of 2017

O.M. Ramesh,
S/o. K. Madheswaran,
Anna Nagar,
Kottamettupatty,
Omalur Taluk,
Salem District

.. Applicant in A.No.34 of 2017

S. Sakthivel,
S/o. Subramani,
Ramakrishna Colony,
Pannavadi Road,
Kolathur Post, Mettur Taluk,
Salem District

.. Applicant in A.No.35 of 2017

R. Murugan,
S/o. A. Raji,
Panchukalipatty,
Omalur Taluk,
Salem District

.. Applicant in A.No.36 of 2017

AND

State Level Environment Impact Assessment
Authority- Tamil Nadu,
Rep. by its Member Secretary,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai-600 015.

... Respondent(s) in all the
Applications.

Counsel appearing for the Applicant:

**M/s. V. Sanjeevi and
K. Muthukumarasamy.**

Counsel appearing for the Respondents:

**Mr. G.M. Syed Nurullah Sheriff for
Respondent in all the applications.**

ORDER

PRESENT:

HON'BLE SHRI JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER

HON'BLE SHRI P.S. RAO, EXPERT MEMBER

Dated 21st February, 2017

Whether the Judgement is allowed to be published on the Internet – Yes/No
Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

These applications are filed by the respective project proponents for a direction to the Tamil Nadu State Level Environment Impact Assessment Authority (SEIAA) to consider and pass orders on their applications filed for issue of Environmental Clearance (EC).

The respective applicants filed their applications for granting EC on 14.10.2015, 19.10.2015, 12.10.2015, 15.10.2015, 23.03.2016, 14.10.2015, 26.10.2015, 16.10.2015, 19.10.2015, 14.10.2015, 29.02.2016 and 26.03.2016 respectively. The grievance of the applicants is that the SEIAA is not passing any orders and is keeping the applications pending without any valid reason and therefore, it is necessary to issue directions to pass orders on the said applications.

Learned counsel appearing for the applicants submitted that the SEIAA is actually waiting the report from the Assistant Director, Department of Geology and Mining and in law the SEIAA is bound to pass orders in the pending applications for EC without unnecessary delay.

Learned counsel appearing for the respondent, SEIAA submitted that the applications are not kept pending without any valid reason. According to the learned counsel, certain particulars were sought for from the respective applicants and they are yet to furnish the details and hence the delay. Learned counsel also submitted that the meeting of the State Level Expert Appraisal Committee (SEAC) held on 02.7.2016 decided to recommend the applications for EC, subject to getting the particulars as shown in the minutes of the meeting and those particulars are yet to be furnished by the applicants. Learned counsel further submitted that no mining lease could be operated without EC after 31.05.2016, in view of the decision of the Hon'ble Supreme Court and therefore the Assistant Director, Department of Geology and Mining was addressed to find out whether in violation of the orders of the Hon'ble Supreme Court, any mining operations are being carried on by the applicants and as and when the particulars were furnished by the applicants, the orders would be passed.

Learned counsel appearing for the applicants submitted that the SEIAA did not direct them to make available any particulars or materials and in such circumstances they did not furnish it.

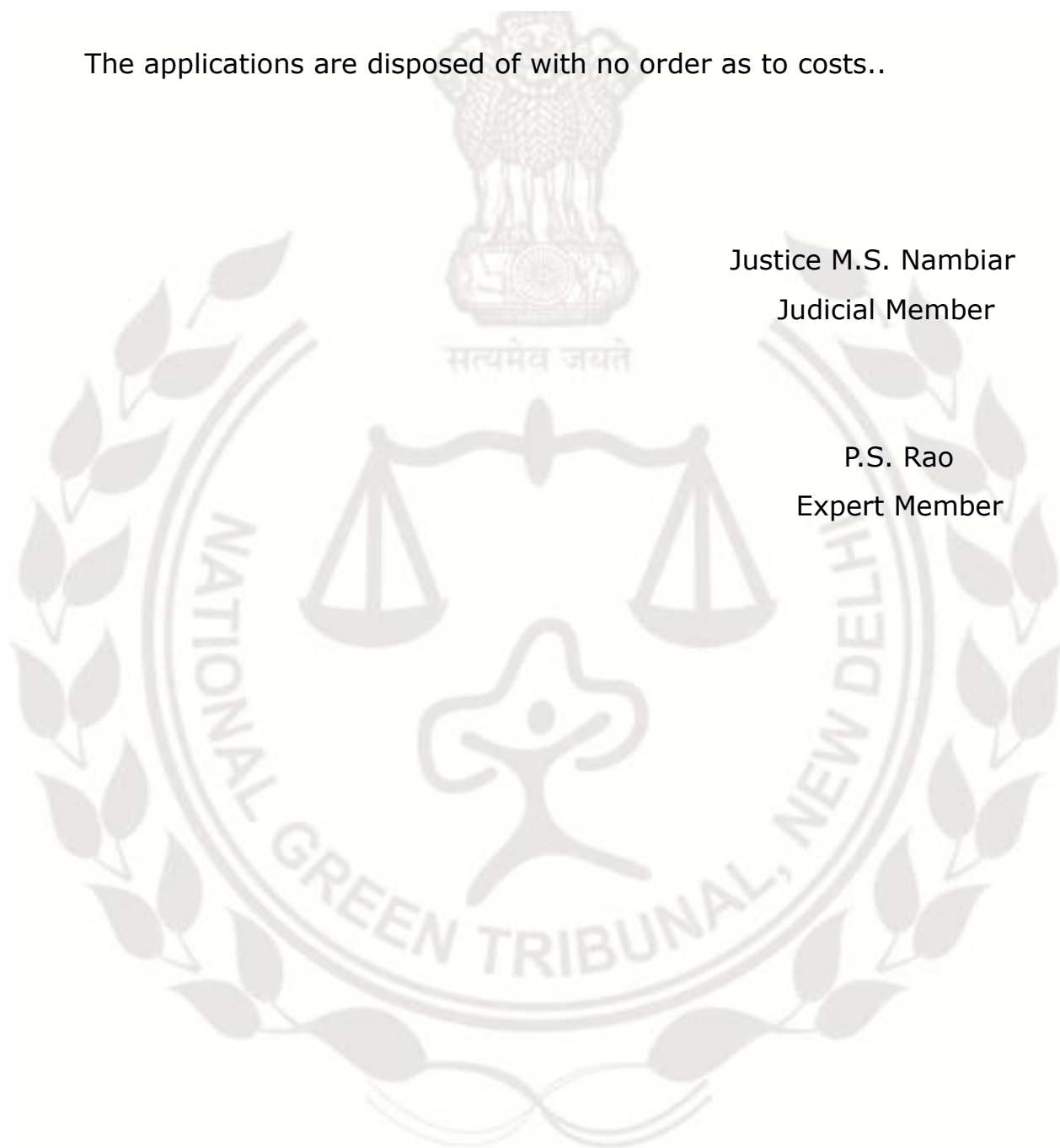
On hearing the learned counsel appearing for the applicants and the respondent we find that there is no necessity to adjourn the applications further and they could be disposed giving necessary directions.

Once an application for EC is submitted, the Ministry of Environment, Forests and Climate Change (MoEF&CC) or SEIAA, as the case may be, is bound to pass orders in accordance with law either allowing the application or rejecting the application without unnecessary delay. True, if the applications are not in proper form or the mandatory particulars are not furnished, the MoEF&CC or the concerned SEIAA is competent to reject the applications or call for further details. Once the details are called for, the project proponent is bound to produce them. The grievance of the applicants is that they were not asked to produce any particulars or materials. The submission of Mr. Syed Nurullah Sheriff, the learned counsel appearing for the respondent, SEIAA is that they were present in the meeting of the SEAC and hence were aware of the particulars to be submitted. We do not find it necessary to go on that aspect at this stage.

Suffice to direct the SEIAA to address each of the applicants within two weeks, to furnish the necessary details and or materials which are necessary for considering their applications for EC. Once the communication is received by the applicants, they shall produce the materials or details before the SEIAA within two weeks from the date of receipt of the applications. Once those details / materials are received, the SEIAA shall pass appropriate orders in accordance with law within a period of four weeks

from that date. It is made clear that we are not expressing any view on whether the EC is to be granted or not and it is for the SEIAA to decide the question in accordance with law.

The applications are disposed of with no order as to costs..



Justice M.S. Nambiar
Judicial Member

P.S. Rao
Expert Member

NGT