

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No.123 of 2016 (SZ)

In the matter of

M/s. Yes Yes Mineralas
Rep. by its partner Mr. S. Krishnaraj
at No.21, Om Sakthi Street,
Poolambadi Post, Veppanthattai Taluk,
Perambalur District-621 110.

सत्यमेव जयते

.....Applicant

Vs.

1. The Director,
IA- Division (Non Coal Mining) III,
Ministry of Environment,
Forest and Climate Change,
Vayu 305, Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi- 110 003.
2. Member Secretary,
Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-600 032.
3. District Engineer (Environment),
Pollution Control Board,
Nagapattinam.

.. Respondents

Counsel appearing for the applicant:

M/s. Aiyar & Dolia and

J. Parimalam

Counsel appearing for the Respondents:

Mr. G.M. Syed Nurullah Sheriff for R-1

ORDER

Present

Hon'ble Mr. Justice Dr.P. Jyothimani, Judicial Member

Hon'ble Shri P.S.Rao, Expert Member

1st June, 2016

1) We have heard the learned counsel appearing for the applicant as well as Mr. G.M Syed Nurullah Sheriff, learned counsel, who has been directed to take notice on behalf of the 1st respondent, MoEF. In this case, the issue involved is granting of mining lease to mine the minerals Garnet, Ilmenite and Zircon over an area of 8.59.5 Hectares in Survey Nos.434/2, 435/3 (p), 436/3, 437/1, and 437/2 (p) of Vanagiri Village, Sirkazhi Taluk, Nagapattinam District in the State of Tamil Nadu.

2) The applicant has made a proposal in Form I. It appears that based on the said proposal, the 1st respondent has issued Terms of Reference (ToR) on 24.05.2012 as per the EIA Notification 2006 with a validity period of two years. In the meantime, the 1st respondent by an order dated 06.05.2014, has extended the ToR for a further period of one year on a request made by the applicant for the reason that the public hearing could not be conducted due to certain legal issues.

3) Subsequently, by a proceeding dated 21.08.2015 of the 1st respondent after taking note of the order of the High Court of Madras directing to process of the approval for mining the heavy mineral beach sand, the EAC has extended the ToR further for a period of one year upto 20.04.2016 as per the terms and conditions stipulated on 24.05.2012. It is stated by the applicant that there has been certain Writ Petitions pending before the Hon'ble High Court of Madras and therefore the public hearing could not be conducted and in those circumstances, the applicant by a letter dated 28.01.2016 sought further period of extension of ToR and the same

has not been considered and therefore he has filed the present application with a prayer to direct the respondent No.1 for granting extension of time for the ToR which expired on 20.04.2016.

4) Eventhough Mr.G.M Syed Nurullah Sheriff, the learned counsel appearing for the 1st respondent, MoEF was directed to take notice at the time when the matter was taken up for admission, he is not able to tell the actual position as he could not get instructions since he is not able to contact the concerned Officer in the MoEF. However, taking note of the earlier extension given by 1st respondent twice and also considering the fact that public hearing could not be conducted for no fault of the applicant, we are of the considered view that to meet the ends of justice it will suffice if ToR is extended for a further period five months.

5) Accordingly, the application stands ordered with a direction that the period of ToR shall be extended for a period of 5 months from 20.04.2016 which shall be valid upto 30.09.2016, making it clear that no further extension will be granted for extending the ToR. However, we make it clear that the public hearing process shall be expedited in accordance with EIA report and also as per the direction given by the High Court in W.P.No.34258 of 2015 on 15.12.2015.

With the above direction, the application is disposed of. No cost.

Justice Dr. P. Jyothimani
Judicial Member

Shri P.S.Rao
Expert Member