

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL, SOUTH
ZONE BENCH, CHENNAI**

Original Application No. 102 of 2020

Nishanth Gopal : Applicant
Vs
Union of India & others : Respondents

**COUNTER AFFIDAVIT FILED BY THE 7th RESPONDENT - MANAGING
DIRECTOR, THE KERALA MINERALS AND METALS LIMITED**

**Latha Anand (K/247/1990)
K.R. Promoth Kumar (K/901/1999)
Vishnu S (K/986/2012)
&
Sidharth P.S. (K/1597/2018)**

**M/S B.S. KRISHNAN ASSOCIATES
ADVOCATE
DIWANS ROAD, ERNAKULAM
KOCHI-682 016
bskrishnanassociates@gmail.com**

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL, SOUTH
ZONE BENCH, CHENNAI**

Original Application No. 151 of 2020

Nishanth Gopal : Applicant

Vs

Union of India& others : Respondents

INDEX

Sl. No.	Contents	Page Nos
1.	Counter Affidavit	1-12
2.	Annexure- R7(a) True copy of Government Order G.O. (Rt) No. 385/2019/WRD dated 31.05.2019	13-16
3.	Annexure- R7(b) True copy of the agreement dated 11.10.2019	17-24
4.	Annexure- R7(c) True copy of communication dated 18/05/2020 issued by the Executive Engineer of the Irrigation Department, Government of Kerala	25
5.	Annexure- R7(d) True copy of communication dated 19/05/2020, issued by the Executive Engineer of the Irrigation Department, Government of Kerala,	26
6.	Annexure- R7(e) True copy of proceedings of the meeting held on 19/05/2020 by District Disaster Management Authority, Alappuzha	27-28
7.	Annexure- R7(f) True English translation of the proceedings of the meeting held on 19.5.2020	29-30
8.	Annexure- R7(g) True copy of order dated 22/05/2020 issued by Chairman of the District Disaster Management Authority (District Collector)	31-32
9.	Annexure- R7(h) True English translation of the order dated 22/05/2020 issued by Chairman of the District Disaster Management Authority (District Collector)	33-34

10.	Annexure- R7(i)	True copy of letter dated 23/05/2020 issued by the Executive Engineer, Irrigation Department	35
11.	Annexure- R7(j)	True copy of the order dated 24/06/2020 of the District Collector, Alappuzha	36-37
12.	Annexure R7(k)	True English translation of order dated 24/06/2020 of the District Collector, Alappuzha	38-39
13.	Annexure R7(l)	True copy of the license issued by Atomic Energy Regulatory Body (AERB)	40-45
14.	Annexure R7(m)	True copy of transportation permit issued by Government of Kerala	46

Dated this the 29th day of July, 2021



Counsel for 7th Respondent

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL,
SOUTH ZONE BENCH, CHENNAI**

Original Application No. 102 of 2020

Nishanth Gopal : Applicant

Vs

Union of India & others : Respondents

**COUNTER AFFIDAVIT FILED BY THE 7th RESPONDENT - THE
KERALA MINERALS AND METALS LIMITED**

I, Chandra Bose. J., S/o Janardhanan, aged 53 years, residing at IB, BCG Misty Meadows Apartments, Chittethukara, Kakkanad, Ernakulam, PIN - 682037, do hereby solemnly affirm and state as follows:-

1. I am the Managing Director of M/s Kerala Minerals and Metals Ltd which arrayed as the 7th respondent in the above Original Application. The 8th respondent is the Assistant Manager of the 7th respondent company. I am conversant with the facts of the case as revealed from the relevant files. I am authorised and competent to swear to this affidavit on behalf of the 7th and 8th respondent.
2. The present original petition is not maintainable in law and the facts and circumstances of the case. The original petition is barred by limitation. The pleading in the original petition does not disclose a substantial question of the environment. All the averments in the original petition except, those which are expressly admitted hereunder, are denied.



Chandra Bose

CHANDRABOSE. J
Managing Director

**The Kerala Minerals and Metals Ltd,
(A Govt. of Kerala Undertaking)
Chavara, Kollam - 691583**

3. The applicant, essentially challenges the work undertaken by the Kerala Minerals and Metals Limited (hereinafter referred to as KMML) and the Indian Rare-earths Limited (hereinafter referred to as IREL) at Thottappally, Alappuzha district, Kerala. The brief description of the work undertaken by the KMML and the background of the work is stated below. It is respectfully submitted that the flood water in Kuttandu area of Alappuzha District, Kerala is to be drained through the Thottapally Spillway to the Arabian Sea. A spillway is a regulatory mechanism to control the flow of water and is constructed based on engineering designs. During the time of high tide water level in the sea increases and it is pushed to the river. This can be controlled by the spillway whereby water from the sea is blocked at the spillway without being permitted to enter the agriculture fields. Similarly water from the river side can also be regulated by opening the spillway gates, so that flooding in that area can be averted and the water course will have a free flow towards the sea. The spillway at Thottapally, Alappuzha (hereinafter referred to as the spillway) is constructed for the above purpose.

4. After 2018 floods in Kerala, which substantially affected the state as a whole, there was a study jointly by MS Swaminathan Research Foundation (MSSRF) and IIT Madras which recommended clearance of sand bar at the western side of the spillway and deepening and widening of the leading channel for further de-escalation of the flooding in Kuttanad area. It is submitted that the original width of



Chandrabose J
CHANDRABOSE. J
 Managing Director
 The Kerala Minerals and Metals Ltd.
 (A Govt. of Kerala Undertaking)
 Chavara, Kollam - 691583

the spillway was 360 meters for ensuring the free flow of water into the sea, so that there will never have a chance of flood in Kuttanad area. But due to the deposit of sand on the sides of the channel for decades, the width was reduced to 260 meters, resulting in substantial reduction in the water flow to the sea at times. The spillway is 360 meter wide and the block due to the sand deposition in the spillway area is to be removed as otherwise there will be flooding due to blockade of the water course. Based on the recommendation study of the expert committee mentioned above, the irrigation department authorised M/s KMML to remove the sand as per G.O. (Rt) No. 385/2019/WRD dated 31.05.2019 and agreement dated 11.10.2019. A copy of the G.O. mentioned above is produced herewith and marked as **Annexure R7(a)**. Copy of the agreement dated 11.10.2019 is produced herewith and marked as **Annexure R7(b)**. Based on the above agreement, an amount of Rs. 11.61 Lakhs was deposited in the month of September, 2019 with the Irrigation Department, Government of Kerala. It is submitted that due to various reasons, the Irrigation Department did not permit KMML to start the work, citing local issues. Being so, on 18/05/2020 and 19/05/2020, the Executive Engineer of the Irrigation Department, Government of Kerala, issued a communication to KMML, to start the work on war-footing, in the light of the expected calamities of flood in Kuttanad region due to the impending Cyclone 'Umphoon' along with the South- west monsoon.




CHANDRABOSE. J
 Managing Director
 The Kerala Minerals and Metals Ltd.
 (A Govt. of Kerala Undertaking)
 Chavara, Kollam - 691583

A true copy of the above communications are produced herewith and marked as **Annexure R7(c) and R7(d)**.

5. It is further submitted that the District Disaster Management Authority, Alappuzha in its meeting held on 19/05/2020, had decided to remove the obstacles in the thottappally spill-way to ensure the smooth flow of water through the spill-way, in order to avoid a flood situation in 'Kuttanad' area. A true copy of the proceedings of the above meeting is produced herewith and marked as **Annexure R7(e)**. A true english translation of the above document is produced herewith and marked as **Annexure R7(f)**. Subsequently, the Chairman of the District Disaster Management Authority (District Collector), vide order dated 22/05/2020, directed that immediate steps be taken by the Executive Engineer, Irrigation Department, to remove the sand in order to ensure the smooth flow of water through the spillway. A true copy of the aforesaid order is produced herewith and marked as **Annexure R7(g)**. A true english translation of the above document is produced herewith and marked as **Annexure R7(h)**. Pursuant to the above, the Executive Engineer, Irrigation Department, directed KMML to complete the work on a war-footing, vide letter dated 23/05/2020, a true copy of which is produced herewith and marked as **Exhibit R7(i)**.

6. Pursuant to the above, a meeting was convened the Chairman of the District Disaster Management Authority, issued a further order dated 24/06/2020, directing the Executive Engineer, Irrigation Department



Chandrabose J
CHANDRABOSE. J
 Managing Director
The Kerala Minerals and Metals Ltd.
 (A Govt. of Kerala Undertaking)
 Chavara, Kollam - 691583

to ensure the width of the spillway (down stream) by removing the sand. It was further directed that steps can be taken to take steps to remove the sand as per the agreement with KMML. A true copy of the order dated 24/06/2020 of the District Collector, Alappuzha is produced herewith and marked as **Annexure R7(j)**. A true english translation of the above document is produced herewith and marked as **Annexure R7(k)**.

7. It is submitted that originally, the work was envisaged to be carried out by dredging and to concentrate sand at Thottappally and transport only heavy minerals to KMML/IREL and simultaneously dump the tailing sand at Thottappally Beach itself. However due to the emergency situation, the District Administration and the Irrigation Department arranged excavators and equipment on behalf of KMML and the work started on war footing on 20/05/2020. The sand is entirely being transported to KMML, as the time requirement for setting up a Sand Concentration Plant is more than 2 months which was no way affordable due to the impending disaster situation.
8. From the above, the work undertaken by the KMML is in accordance with the orders passed by the competent authorities under the Disaster Management Act, 2005, which has an overriding effect. It is also submitted that by virtue of Sections 71 and 73 of the Disaster Management Act, 2005, the present original application, before this Honorable Tribunal, is not maintainable. Further the very same issue is subject matter of the W.P(C) No. 11060/2020 pending before the

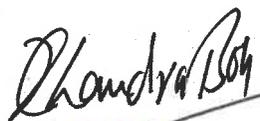


Chandrabose J
CHANDRABOSE. J
 Managing Director
The Kerala Minerals and Metals Ltd.
 (A Govt. of Kerala Undertaking)
 Chavara, Kollam - 691583

Honourable High Court of Kerala and hence the present original petition is not maintainable.

9. It is pursuant to the orders passed under the Disaster Management Act, 2005, that the KMML is excavating the sand solely for the purpose of removing the blockade of the waterway and is transporting the same to the site of KMML. Incidentally the sand contains minerals which can be used as a raw materials for their products by the KMML and IREL.
10. It is respectfully submitted in this contest that the sand contains atomic minerals like Ilmenite, Rutile, Monosite which as per the statute can be handled and processed only by two companies in the whole country viz a viz the KMML and the IREL. Therefore the sand which is taken from the Thottapally area can only be handled by the KMML and IREL. A true copy of the license by Atomic Energy Regulatory Body (AERB) is produced herewith and marked as Annexure R7 (1). No other agency is authorised to handle these atomic minerals in the country.
11. It is evident from the above facts that KMML has acted on behalf of the Irrigation Department, as contractors, for clearing of the Spillway to avoid possible flood in Kuttanad based on the Government Order dated 31.05.2019 and agreement dated 11.10.2019, the directions of the District Collector and the Irrigation Department dated 18.05.2020 and declaration of the activity as a Disaster Management Activity on




CHANDRABOSE. J
 Managing Director
The Kerala Minerals and Metals Ltd.
 (A Govt. of Kerala Undertaking)
 Chavara, Kollam - 691583

22.05.2020 and the direction of the Chairman, Disaster Management Authority on 24.06.2020.

12. It is also submitted that the above work is executed with technical guidance and supervision of the competent engineers of the irrigation department and transportation is carried on based on the permit issued by the government for transportation. Transportation permit is issued to each lorry load clearly specifying the quantity of sand in cubic meter, date, time etc copy of the one such permit is produced herewith and marked as Annexure R7 (m). The above activity is purely undertaken for dredging and desilting of the spillway and channels to ensure smooth flow of water during the flood. Such an activity is exempted from the requirement of Environment Clearance, by virtue of the Notification dated 28/03/2020 issued by the Central Government, in exercise of its powers under the Environment (Protection) Act, 1986.
13. The applicant has also based his case on the wrong premise that the activity undertaken by the KMML at Thottappally spillway amounts to mining operations. It is submitted that the aforesaid assumption of the applicant is totally misplaced. It is submitted that Section 2 (j) of the Mines Act 1952 defines mine and section 3(d) of the Mine and Mineral Development and Regulations Act defines mining operations. Mine under the Mines Act, 1952 means any '*excavation where any operations for the purpose of searching for or obtaining minerals has been or is being carried on and includes...* (emphasis supplied)' As



Chandrabose J
CHANDRABOSE. J
 Managing Director
 The Kerala Minerals and Metals Ltd.
 (A Govt. of Kerala Undertaking)
 Chavara, Kollam - 691583

defined in the 1957 Act under Section 3 (d) “mining operations” means *any operations undertaken for the purpose of winning any mineral*. In the present case the primary and the only purpose of collecting sand is for the purpose of desilting the spillway channel for the purpose of free flow of water. Going by the above definitions, the activity undertaken by KMML will not amount to mining operation. For the same reason also, the activity undertaken by KMML does not require environmental clearance as alleged by the applicant. Further, environmental clearance is not required, since the spillway was constructed in 1952. The Environment Protection Act came into effect only in 1986. It is submitted that for the maintenance of the older projects like the ‘Thottappally spillway’, EC is not required for maintenance activity. The present activity is only a maintenance activity of the spillway and hence there is no legal impediment in undertaking the said activity.

14. The averments in the original application, except those which are specifically admitted hereunder, are denied. The averments in paragraph 2 are totally misconceived. For the reasons elaborated above, the activity undertaken by this respondent cannot be considered as mining activity. Therefore the allegation to the effect that the activity undertaken by KMML and IREL at Thottappally is “illegal mining”, is not sustainable. The contentions to the effect that the said activity requires license under the “Kerala Atomic Mineral Concession Rules”, is misconceived as there not such rule as stated by



Chandrabose J
CHANDRABOSE. J
 Managing Director

The Kerala Minerals and Metals Ltd.
 (A Govt. of Kerala Undertaking)
 Chavara, Kollam - 691583

the petitioner. If the applicant's reference is to the Atomic Mineral Concession Rules, 2016, the allegations are totally misplaced, as the activity of removal of sand from the spillway, its mouth and channels, in order to prevent flooding, is not an activity falling under the purview of the aforesaid rules. The activity is based on the study conducted by the M.S. Swaminathan Committee and the orders passed under the Disaster Management Act, 2005. As elaborated above, the present activity is exempted from obtaining an environmental clearance. The contention of the petitioner to the effect that license to be obtained from the local panchayat, is also not sustainable, in view of the fact that the present activity is undertaken as per the provisions of the Disaster Management Act, 2005. The averments in paragraph 3 and 4 are answered in the aforesaid paragraphs and are not repeated herein for the sake of brevity.

15. The averments in paragraph 5 and 6 are only reflections of the applicants baseless prejudice against the activity conducted at the Thottappally spillway. It is submitted once again that KMML does not undertake any mining activity at the Thottappally spillway and the activity undertaken is only to prevent flooding in the Kuttanad region and other areas. The contention of the applicant regarding the alleged impact on the ecology are all misplaced. The activity undertaken by KMML is as per the orders passed under the Disaster Management Act, 2005 and it is based on proper planning and studies. It is submitted that the actual width of the channel was 360 meters all



Chandrabose J
CHANDRABOSE. J
 Managing Director
The Kerala Minerals and Metals Ltd.
 (A Govt. of Kerala Undertaking)
 Chavara, Kollam - 691583

down the stream till the 'pozhi' mouth but due to deposit of sediments over the decades, the width of pozhi mouth had reduced to less than 160m. Hence, in order to maintain the free flow of water from the upstream, the spillway channel has to be widened to regain the original designed width.

16. The averments, made under the heading, 'facts in brief' are baseless. With regard to reference made to the National Disaster Management Act is concerned, the same are mere extracts of the provisions of the Act. The allegation that the proposed removal of sand from the month of the Thottappally estuary lacks planning or organisation and planning is nothing but a reflection of the applicant's ignorance of the elaborate and comprehensive planning undertaken by the Government of Kerala and the Kerala Disaster Management Authority, in order to mitigate the threat of flooding in the Kuttanad region. It is reiterated that no proceeding would lie against the State Government with respect to the directions issued under the Disaster Management Act. The provisions of the MMDR Act and the Atomic Mineral Concession Rules are not applicable to the present activity as it is not mining. For the very same reason, the precedents cited by the applicant are not applicable to the present fact situation. It is submitted that all the activities are carried out, under the directions of the Irrigation Department and valid passes are issued for every truck load, which is measured. This respondent is not aware of any public outcry happening during the year, 2019. In fact, this respondent was handed



Chandrabose J
CHANDRABOSE. J
 Managing Director
The Kerala Minerals and Metals Ltd.
 (A Govt. of Kerala Undertaking)
 Chavara, Kollam - 691583

over the work only in February, 2020. It is once again reiterated that the de-silting and maintenance of the spillway channel would not come within the purview of the MMDR Act.

17. The averments regarding the feeling of casuarina trees and their ability to prevent erosion, is without any basis. There is no scientific study to show that the casuarina trees protect against the tsunami and sea erosion. This respondent had issued a letter dated 03/06/2020 to the Purakkad Panchayat that the activities are not mining activities but are only for the purpose of maintaining the Thottappally spillway and hence environmental clearance is not required. In annexure A4, this respondent has specified that the activity undertaken by the respondent is not mining activity. There is not even a hint that the activity is a mining activity. This respondent had specifically stated that the work is essential for the smooth flow of water from the Kuttanad area to the sea during monsoon. The allegation with respect to the applicability of the MMDR Act, have already been elaborated above, and it is not repeated for the sake of brevity. The judgment in *Deepak Kumar's* case is not applicable to the facts and circumstances of the present case.

18. It is submitted that though the appellant had stated that various studies were conducted on the issue, it has chosen to file only one report before this Tribunal. The said report cannot be considered as an independent evaluation of the fact situation. It is to be noted that the report was published in 2003 whereas the present activity was started



Chandrabose J
CHANDRABOSE. J
 Managing Director
 The Kerala Minerals and Metals Ltd.
 (A Govt. of Kerala Undertaking)
 Chavara, Kollam - 691583

recently and the said report cannot have any connection to the activity being carried out by the respondent at present. Further, the said study is not based on any scientific evidence and it is only based on assumptions and surmises. It is submitted that as per Annexure A9 order, the Honourable High Court of Kerala, has refused to pass an interim order in the matter. The contention of the applicant regarding Olive Ridley Turtles is without any basis and the applicant has to be put to strict proof regarding the same.

19. The grounds raised in the original application have already been answered and are not repeated again. None of the grounds raised in the original application are tenable either in law or on facts.

In the above facts and circumstances it is humbly submitted that the above Writ Petition is devoid of any merit and is liable to be dismissed.

All facts stated above are true and correct.

Dated this the 29th day of July, 2021




CHANDRABOSE. J
 Managing Director
 The Kerala Minerals and Metals Ltd.
 (A Govt. of Kerala Undertaking)
 Chavara, Kollam - 691583

Deponent

Solemnly affirmed and signed before me by the deponent who is personally known to me on this 29th day of July, 2021 in my office at Ernakulam



Advocate

File No. IR4/374/2818-WRD



GOVERNMENT OF KERALA

Abstract

Water Resources Department - Removal of Mineral sand from Thottappally Spillway Pozhimouth - Permission accorded to M/s Kerala Minerals & Metals Ltd (KMML) - Rate fixed - orders issued.

WATER RESOURCES (IR) DEPARTMENT

G.O.(Rt)No.385/2019/WRD Dated, Thiruvananthapuram, 31/05/2019

- Read 1 Letter No.W3 -31299/2018/R/DB-2 dated 01/11/2018 and 09/05/2019 from Chief Engineer, Irrigation & Administration, Thiruvananthapuram.
- 2 Minutes of the meeting held by Hon'ble Minister for Water Resources on 02/05/2019.
- 3 Letter No.MS/Mines/TPLY/05 dated 02/05/2019 from MD, KMML.
- 4 Minutes of the meeting held by the Secretary, Water Resources Department on 14/05/2019.
- 5 Letter No.D8-4661/2019/ISC dated 29/05/2019 from the Superintending Engineer, Irrigation South Circle, Thiruvananthapuram.

ORDER

The accumulation of sand in the Thottappally Spillway in Alappuzha District has affected the free flow of flood water to the sea, risking the Kuttanad area by flooding during the impending Monsoon season. 2018 witnessed severe flooding in the area. The M.S. Swaminathan Research Foundation (MSSRF) & the IIT, Madras upon consultation have recommended clearance of sand bar at the mouth of spillway and deepening and widening of the leading channel for further derisking the flood problem in Kuttanad.



Handwritten notes and signatures on the left margin, including a vertical signature and initials.

File No. _____

2) Since the sand deposit are noted to contain regulated minerals, the disposal of the sand can be entrusted only to the appropriate licensees in the public sector.

3) M/s Indian Rare Earths Ltd., Chavara & The Kerala Minerals & Metals Ltd., Chavara have approached Government for the sand and based on the decision in the meeting held by Hon'ble Minister on 24/01/2019, Superintending Engineer, Irrigation South Circle, Thiruvananthapuram invited Expression of Interest (EoI) on 26/02/2019. M/s KMMML submitted their EoI and their quotation for removal of sand quoting a rate of Rs.290/M³. The firms upon negotiation by the Superintending Engineer proposed that the order for removal of mineral sand may be made in favour of M/s KMMML by suitable conveyance clauses. As per the report of the Chief Engineer, (I&A) dated 09/05/2019, M/s KMMML has agreed that all financial and legal obligations with the department shall be met by M/s KMMML.

4) As per the proposal dated 01/11/2018 of Chief Engineer (I&A) for the removal of mineral sand from Thottappally Spillway, the amount fixed for the mineral sand was Rs.464.55/M³ (excluding the cost of dredging) with reference to the G.O.(Rt)No.645/2018/F&PD dated 06/08/2018 granting sanction to dredge sand at Thottappally Harbour by Fisheries & Port Department. As per G.O.(Rt) No.571/ 2012/WRD dated 14/05/2012, permission was granted to IREL for dredging of sand bar at Thottappally Spillway (TSW) mouth at the rate of Rs.450/M³. However, as per the G.O.(Rt) No.112/19/F&PD dated 12/02/2019, the rate fixed for the dredged spoil at Neendakara Port is Rs.306.54/M³ including all taxes and the bidder M/s KMMML had to pay the cost of dredging to the Fisheries Department. Essentially all these were within a range, comparable rates.

5) Since the rates proposed by the IREL & KMMML based on above G.O. dated 12/02/2019 was quite below the previous rates (Rs.464.55/M³, Rs.450/M³) especially considering that the sand contains regulated atomic minerals, Government had entrusted Mining & Geology Department as well as the NCESS to assess and evaluate the contents of the mineral sand. But both institutions have not replied till date conclusively recommending a different rate. Further, in response to Government letter dated 30/04/2019, M/s KMMML informed that they are



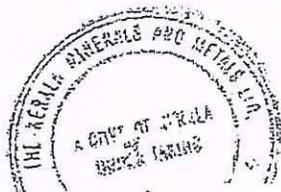
File No. IR4/374/2018-WRD

ready to accept the rate of Rs.464.55/M³ for the sand. In the meantime a high level meeting was convened on 02/05 2019, under the Chairmanship of the Hon'ble Minister for Water Resources Department, in which Hon'ble Ministers for Finance, Public Works Department, Food & Civil Supplies and Agriculture were also present, to decide on the removal of sand from Thottappally Spillway. The meeting assessed that the then rate quoted by IREL & KMML appeared to be low (ie. Rs. 290/M³) and therefore the Additional Chief Secretary, Water Resources Department was entrusted to have discussions with the Secretary, Industries Department and to take a decision in the matter. Also decided that the Chief Engineer(I&A) shall realize the proceeds of sale to Government heads.

6) Based on the above decision, a meeting was convened by Secretary, WRD on 14/05/2019 with officials of IREL, KMML, and representative of MD, KSIDC & Secretary to Industries Department. In the meeting it was found that sand is to be removed before the onset of current monsoon (June 2019). The KMML and Industries Department(KSIDC) refused to increase the offered rate. But agreed to review it later if necessary. The only practically feasible option before the Government is therefore to accept the highest rate offered by KMML and IREL on the date ie. Rs. 464.55/M³ excluding the excavation/ dredging charges as per the terms and conditions of agreement and EoI floated. The KMML has also to bear the GST expenses such as income tax, welfare tax, royalty etc.

7) Government have examined the matter in detail and are pleased to accord sanction to Chief Engineer, (I&A) to accept the highest offered rate on date of Rs.464.55/M³ for the sand excluding GST and excavations/ dredging charges offered by M/s KMML as per letter read 3rd paper above in accordance with the terms and conditions of EoI floated subject to the condition that the above rate will be in force only for three (3) months which is to be revisited at that point on recommendations of Chief Engineer (I&A).

8) The Chief Engineer (I&A) is directed to take urgent action to execute necessary agreement with the PSU mentioned above and move forward to avoid the loss of sand during the impending monsoon, so as to allow free flow of water through the pozhi mouth.



File No. IR4/374/2018-WRD

3256

11/7/18

(By order of the Governor)
Dr. B. ASHOK
 Secretary to Government

To:

The Chief Engineer (I&A), Thiruvananthapuram
 The Chief Engineer Kuttanad Package & Inland Navigation,
 Alappuzha
 The Chief General Manager & Head, IREL, Chavara, Kollam
 Managing Director, KMML, Chavara, Kollam
 Managing Director, Kerala State Industrial Development
 Corporation (KSIDC), Thiruvananthapuram.
 The Principal Accountant General (A&E / Audit), Kerala,
 Thiruvananthapuram.
 Stock File/Office Copy.

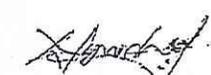
Forwarded /By order



Section Officer

Endorsement No W3 - 31299/2018/P/DB-II dated 21/06/2019

Copy of the G.O is forwarded to the Superintending Engineer, Irrigation South Circle,
 Thiruvananthapuram for immediate action.


 For Chief Engineer



This is the true copy of the document marked as
 Exhibit P Annexure R7(a) in the above case


 Advocate

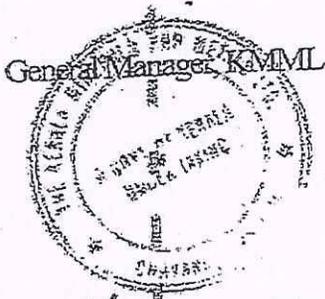


A 380938

കേരളം KERALA

AGREEMENT NO. 47/SE/ISC/2019-20 DATED:- 11.10.2019

CONTRACT AGREEMENT entered into this 11th day of October 2019 (Two Thousand and Nineteen) between The General Manager, The Kerala Minerals and Metals Limited, Mineral Separation Unit, Kovilthottam, Chevare, Kollam-691583 (hereinafter called as the KMML) on the one part and the Superintending Engineer, Irrigation South Circle, Thiruvananthapuram, for and on behalf of the Governor of Kerala (hereinafter called the Government) on the other part for the execution of the work "Removal of Mineral Sand from Thottappally Spillway Channel and Pozhymouth" by the former, for the use of the Irrigation Department for Government of Kerala State as per GO(Rt) No. 385/2019/WRD dated 31.05.2019 accompanying conditions approved by the Superintending Engineer, Irrigation South Circle, Thiruvananthapuram which form part of this agreement.



Superintending Engineer

MANAGING DIRECTOR



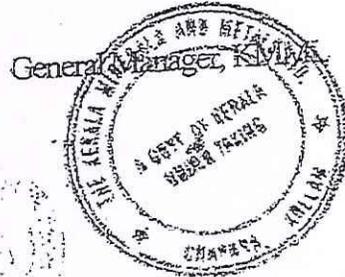
175784

കേരളം കേരल KERALA

Signed and delivered by the above mentioned Contractor The General Manager, KMML on behalf of The Kerala Minerals and Metals Limited.

In the presence of-

1. Smt. Subha R. V, Head Draftsman
2. Sri. M.R. Bimal Joshi, Chief Manager (S&D), IRE (India) Limited, Chavara.



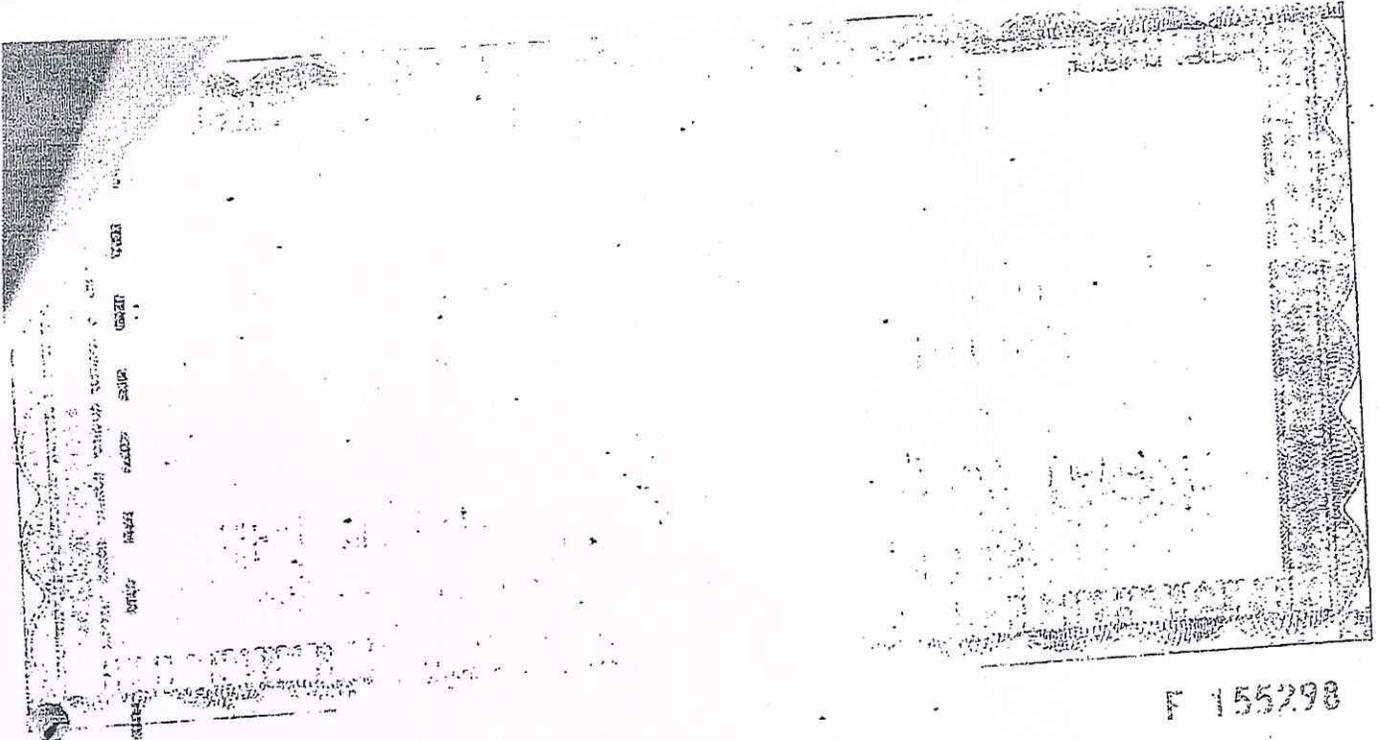
Signed and delivered by Sri. Philip Mathai, Superintending Engineer, Irrigation South Circle Thiruvananthapuram for and on behalf of the Governor of the State of Kerala.

Superintending Engineer
Irrigation South Circle, Thiruvananthapuram
(for and on behalf of the Governor of the State of Kerala)

In the presence of-

1. Smt. Subha R. V, Head Draftsman

832
31-8-7
MANAGING DIRECTOR
KERALA MINERALS AND METALS LIMITED



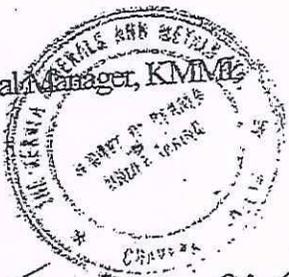
F 155298

കേരളം കERALA

AGREEMENT NO. 47/SE/ISC/2019-20 DATED:- 11.10.2019

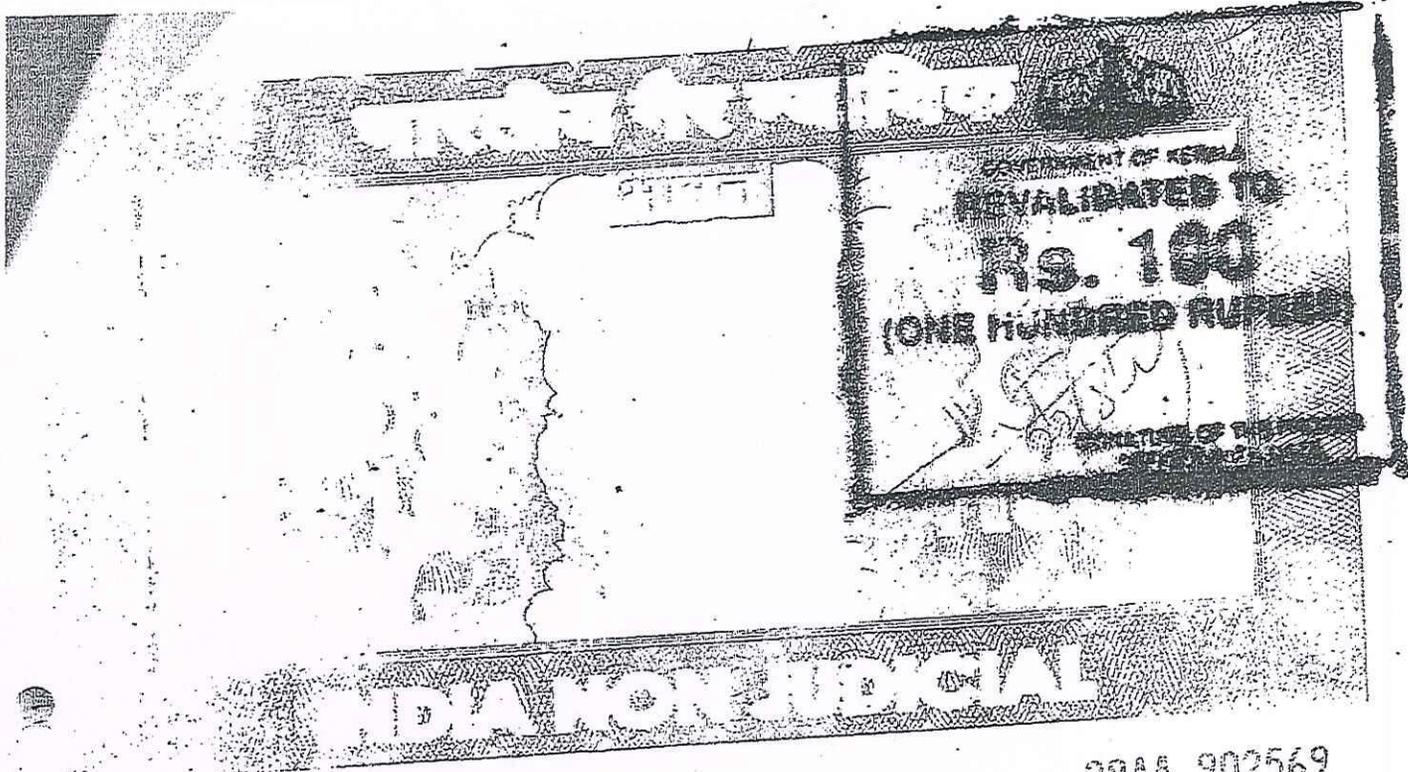
Name of Work: "Removal of Mineral Sand from Thottappally Spillway Channel and Pozhymouth"

General Manager, KMMCL



Superintending Engineer

~~2019-10-11~~ / 2019-10-11
 218-19
 M. MANOJAN DIRECTOR
 KERALA MINERALS AND
 METALS LIMITED
 CHANGANASSERY



29AA 902569

AGREEMENT NO. 47/SE/ISC/2019-20 DATED:- 11.10.2019

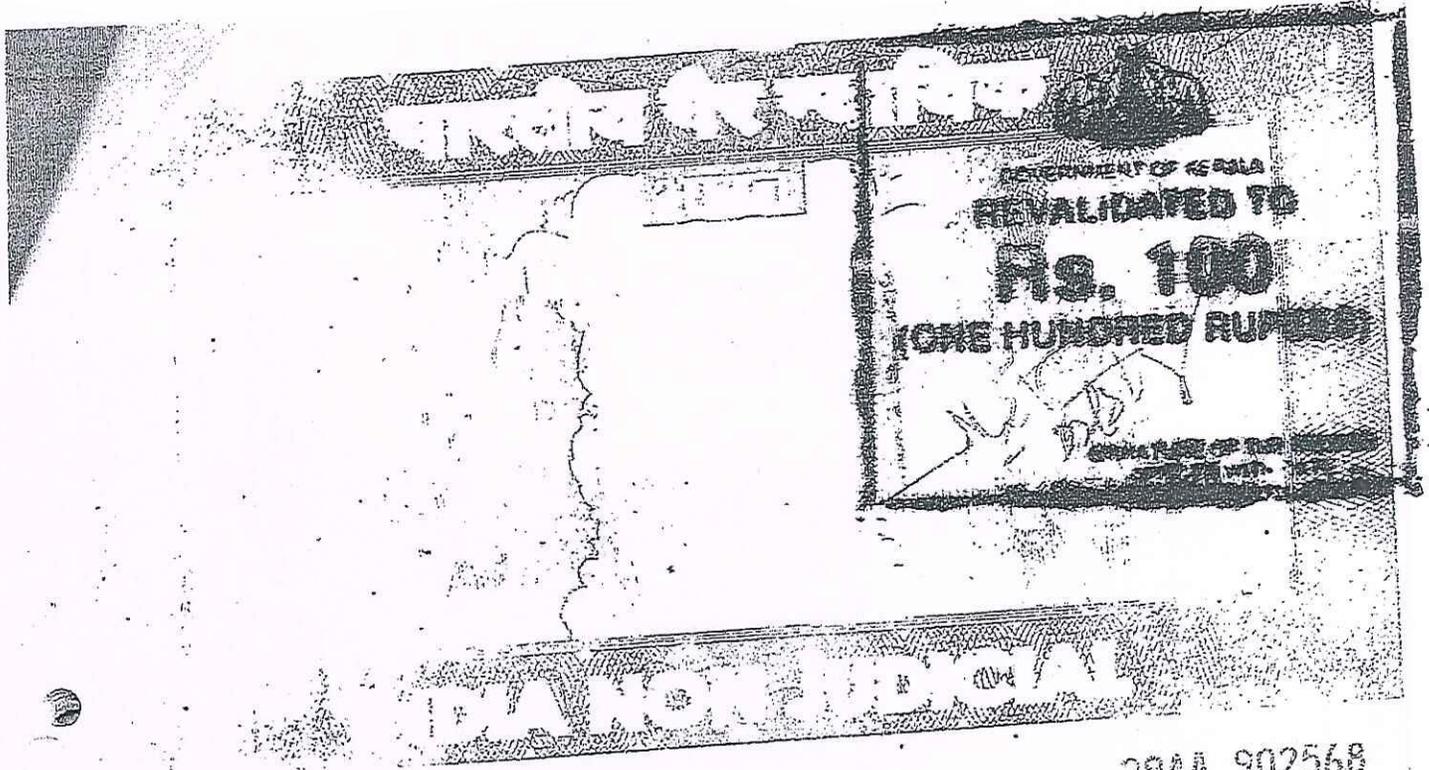
Name of Work: "Removal of Mineral Sand from Thottappally Spillway Channel and Pozhymouth"

General Manager



Superintending Engineer

8536 is the Managing Director
 01-8-19 KERALA MINERALS AND
 METALS LIMITED
 CHAVARA VALLAM



29AA 902568

AGREEMENT NO. 47/SE/ISC/2019-20 DATED:- 11.10.2019

Name of Work: "Removal of Mineral Sand from Thottappally Spillway Channel and Pozhymouth"



Superintending Engineer

No. 8529 /
01-8-19
 Mr. Chairman Director
 KERALA MINERALS AND
 METALS LIMITED
 CHAVARA KOLLAY



CONDITIONS OF MOU

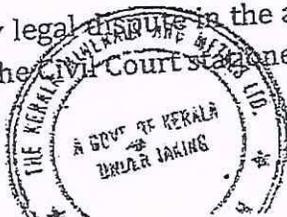
The agreement in this regard will come into force according to the government order G.O.(Rt) No 385/2019/WRD Dated 31/05/2019 of water resources department and as per the conditions of Expression of Interest and letter No. D8- 4661/2018/ISC dated: 05.08.2019.

1. The G.O.(Rt). No. 385/2019/WRD dated: 31.05.2019 is binding in this agreement and KMML should deposit amount of Rs. 464.55/m³ as stipulated in G.O. Order.
2. The firm should enter in to an agreement with the department and should deposit an amount equal to 10 percent of the assessed value of the sand to be removed as security deposit calculated based on the government order G.O.(Rt) No.385/2019/WRD dated 31/05/2019. Minimum of 50% of the Security deposit shall be deposited at Treasury at the time of executing the contract and the balance amount as Bank Guarantee as stipulated by the letter referred above (Letter No. D8-4661/2018/ISC dated: 05.08.2019 from the Superintending Engineer). The subsequent G.O.'s and decisions mutually agreed will also form the part of the Agreement.
3. The agreement is in force for a period of 3 months which will be revisited by the government as per the recommendations of Chief Engineer (IA).
4. The successful firm should dredge or excavate the deposited sand from the places pointed out by Executive Engineer or authorized officer at site and deposit the balance sand at the places specified by the departmental officers after extracting the minerals from the deposit.
5. The stacked materials should be measured and reported to Chief Technical Examiner as per rules prevailing in the department.
6. The extracted sand should be weighed at site using the weigh bridge installed in site at the cost of KMML.
7. The firm should deposit the amount for the measured quantity in the TSB account of the Executive Engineer, Irrigation Division, Alappuzha before removing it from the site.

8. The KMML should bear the necessary tax, welfare fund, and royalty or any other taxes and the excavation charges as per the government order



9. The work has to be completed at an early date not later than 90 days from the date of agreement.
10. All the codal provisions and current Government orders will be applicable to the firm for this work.
11. The KMML should not make any damages to the existing structures and should not cause pollution to the environment. If such incidents happens the agreement
12. authority has got the right to terminate the contract at the risk and lost of the firm, and such liabilities will be recovered by enforcing RR proceedings.
13. After completion of the work the SD will be reimbursed after deducting any liability assessed by the department.
14. The sand should be removed only after getting prior permission from the concerned officers and only from the places pointed out by the engineer in charge and as per the direction of Engineers in charge.
15. The sand should be transported only during the working days from 8AM-5PM after getting the necessary pass.
16. The sand should be removed with necessary pass specifically mentioning the lorry number and quantity. Over loading will not be allowed.
17. No claim is entertained if the quantity of sand to be removed is less than the estimated quantity.
18. All the expenses required for dredging, excavation, stacking, reporting of measurements, separating minerals, dumping the balance sand to the places pointed out by the Department officers, conveyance of mineral sand etc are to be borne by KMML.
19. The KMML should employ competent technical hand and sufficient employers at site for smooth progress of the work.
20. Any legal dispute in the agreement with the department has to be carried out only in the Civil Court stationed at the office where agreement is executed



21. There should not be any dispute on the quantity and quality of material available or for dredging.

22. Any labour problems and local issues arising during the execution should be solved by the KMML itself.

After taking the quantity stipulated in this letter the agreement should be renewed.

General Manager, KMML



[Signature]
Superintending Engineer

This is the true copy of the document marked as Exhibit P - Annexure R7 (b) in the above case

[Signature]
Associate

Office of the Executive Engineer,
 Irrigation Division, Kuttanad
 P. Mail - esmailardb@emil.com
 Phone No. 0477-2252112
 Dated 18.05.2020

To Executive Engineer

The Managing Director,
 Kuttanad Minerals and Metals Ltd. (KMML)
 Chavara, Kollam

Sub: Removal of mineral sand from Thottappally channel and pozhy mouth reg:-

Ref: Agreement No 47/SE/ISC/2019-20 dated 11/10/2019

Your attention is invited to the reference and subject cited

You have entered into an agreement with this department vide reference cited for removing the mineral sand from the downstream of Thottappally pozhy and pozhy mouth and site was handed over to you on 29 - 02 - 2020. Though the site was handed over on 29 - 02 - 2020, the work couldn't start till date due to technical reasons at the site.

Now it is heavy raining and the water level is increasing at upstream side and may cause flooding in Kuttanad region. To safe guard the lives and properties of the inhabitants of Kuttanad region, the sand bar formed at the mouth of pozhy is to be cut opened.

So you are requested to cut open the sand bar at Thottappally pozhy mouth urgently on war and foot basis and avoid further calamities in Kuttanad area.

Yours faithfully

Executive Engineer

Office of the Executive Engineer,
Irrigation Division, Kuttanad,
E-Mail- ee.kuttanad@kerala.gov.in
Phone No. 0477-2252212
Dated 19-05-2020

The Executive Engineer

The Managing Director,
Kerala Minerals and Metals Ltd. (KMML)
Chavara, Kollam

Sub: Removal of mineral sand from Thottappally channel and pozhy mouth reg:-

Ref: 1. Agreement No 47/SE/ISC/2019-20 dated 11/10/2019

2. This office letter of even No and dated 18-05-2020.

Your attention is invited to the references and subject cited

In continuation of this office letter vide reference cited, I may inform as follows.

An unprecedented rain is occurring due to depression (Umpoon), water level in the leading channels is increasing alarmingly and there by possibility of flood in Kuttanad region has increased.

As discuss above phone and also due to emergency, we are arranging two numbers of lift trucks to be used to dig open the Thottappally pozhy to avert a disaster.

The lift truck belongs to a private person and he demanded Rs.2500/- as hourly charges along with the shifting charges of Rs.50000/each and Rs.1500/day for operator charges.

Request your positive response.

Yours faithfully,

Executive Engineer

DMC5-1160/2020

തീയതി - 19/05/2020

മഴക്കാല മൂന്നൊന്നുപ്രവർത്തനങ്ങൾ അവലോകനം ചെയ്യുന്നതുമായി ബന്ധപ്പെട്ട് ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റി ചെയർപേഴ്സൺ കൂടിയായ ജില്ലാ കളക്ടറുടെ അദ്ധ്യക്ഷതയിൽ 19.05.2020 ന് ചേർന്ന ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റി യോഗത്തിന്റെ നടപടി സംഗ്രഹം

ഹാജർ.

1. ശ്രീ. ജി.വേണുഗോപാൽ ജില്ലാ പഞ്ചായത്ത് പ്രസിഡൻ്റ്, ആലപ്പുഴ
2. ശ്രീ. ജയിംസ് ജോസഫ്, IPS ജില്ലാ പോലീസ് മേധാവി
3. ശ്രീ. സുഹൈർ. കെ. ഫിഷറീസ് ഡെപ്യൂട്ടി ഡയറക്ടർ, ആലപ്പുഴ
4. ഡോ. അനിതാകുമാരി. ഡി.എം. ഒ (ആരോഗ്യം) ആലപ്പുഴ
5. ശ്രീ. അഭിലാഷ് കെ. ആർ, ജില്ലാ ഫയർ ഓഫീസർ ആലപ്പുഴ
6. ശ്രീ. എം.ജി. സാബു, സ്പെഷ്യൽ ബ്രാഞ്ച് ഡി.വൈ.എസ്.പി, ആലപ്പുഴ
7. ശ്രീമതി. ആശ സി എബ്രഹാം, ഡെപ്യൂട്ടി കളക്ടർ (ഡി.എം)

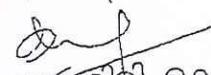
യോഗനടപടികൾ 3.30 ന് ആരംഭിച്ചു. യോഗത്തിൽ സന്നിഹിതരായവർക്ക് ചെയർപേഴ്സൺ സ്വാഗതം ആശംസിച്ചു. യെക്ക്പടിഞ്ഞാറൻ കാലവർഷം ആസന്നമായ സാഹചര്യത്തിൽ ജില്ലയിലെ ദുരന്തനിവാരണ പ്രവർത്തനങ്ങൾ അവലോകനം ചെയ്യുന്നതുമായി ബന്ധപ്പെട്ടാണ് യോഗം ചേർന്നതെന്ന് ആമുഖമായി അദ്ധ്യക്ഷ അറിയിച്ചു.

സംസ്ഥാന ദുരന്തനിവാരണ അതോറിറ്റിയുടെ മാർഗ്ഗനിർദ്ദേശങ്ങൾ ജില്ലയിലെ എല്ലാ ജില്ലാ ഓഫീസർമാർക്കും നൽകിയിട്ടുള്ളതും, മുൻവർഷങ്ങളിലേതുപോലെ ദുരന്തനിവാരണ പ്രവർത്തനങ്ങൾ കാര്യക്ഷമമായി നിർവ്വഹിക്കണമെന്ന് നിർദ്ദേശം നൽകിയിട്ടുള്ളത് യോഗം വിലയിരുത്തുകയും ആയതിന് തത്പരതയിൽ സാധൂകരണം നൽകുകയുമുണ്ടായി. കൂടാതെ ഈ വർഷത്തെ ഓറഞ്ച് ബുക്ക്- കാലവർഷ തുലാവർഷ മൂന്നൊന്നുപ്രവർത്തനങ്ങൾ മാർഗ്ഗരേഖയിലെ പരാമർശങ്ങളും യോഗം വിശകലനം ചെയ്തു.

തീരുമാനങ്ങൾ

1. ദുരന്തനിവാരണ പ്രവർത്തനങ്ങൾ ഏകോപിപ്പിക്കുന്നതുമായി ബന്ധപ്പെട്ട് എല്ലാ വകുപ്പ് മേധാവികളും നോഡൽ ഓഫീസർമാരെ നിയമിച്ച് വിവരങ്ങൾ 25.05.2020 ന് മുമ്പായി ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റിക്ക് സമർപ്പിക്കുന്നതിനും കൂടാതെ തദ്ദേശസ്ഥാപനങ്ങൾ തയ്യാറാക്കിയിട്ടുള്ള ദുരന്തലഘൂകരണ പദ്ധതികൾ ഫലപ്രദമായി നടപ്പിലാക്കുന്നതിനും വേണ്ടിയുള്ള നിർദ്ദേശങ്ങൾ തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് നൽകുന്നതിന് തീരുമാനിച്ചു.
2. ജില്ലയിലെ എല്ലാ തദ്ദേശസ്വയംഭരണ സ്ഥാപന അദ്ധ്യക്ഷൻമാരെ പങ്കെടുപ്പിച്ച് മഴക്കാലപൂർവ്വ നടപടികൾ സംബന്ധിച്ച യോഗങ്ങൾ (കോവിഡ് മാനദണ്ഡങ്ങൾ പാലിച്ച്) ഡി.ഡി.എം.എ വൈസ് ചെയർമാനായ ജില്ലാ പഞ്ചായത്ത് പ്രസിഡൻറിന്റെ അദ്ധ്യക്ഷതയിൽ നടത്തുവാനുള്ള എസ്.ഡി.എം.എ നിർദ്ദേശം നടപ്പിലാക്കുവാൻ തീരുമാനിച്ചു.
3. കാലവർഷം ശക്തമാകുന്ന സാഹചര്യത്തിൽ ദുരിതാശ്വാസ ക്യാമ്പുകൾ ആരംഭിക്കുന്നതുമായി ബന്ധപ്പെട്ട് SDMA യിൽ നിന്നും ലഭിച്ച ഓറഞ്ച് ബുക്കിലെ മാർഗ്ഗരേഖ പ്രാവർത്തികമാക്കുവാൻ തീരുമാനിച്ചു കൂടാതെ ക്രമനമ്പർ 3

- പ്രകാരം കോവിഡ് രോഗലക്ഷണങ്ങളുള്ള ആളുകളെ മാറ്റി പാർപ്പിക്കുന്നതിനായി പ്രത്യേകം കെട്ടിടങ്ങൾ കണ്ടെത്തണമെന്നുള്ള നിർദ്ദേശം സമുദ്രനിരപ്പിൽ നിന്നും താഴെയായി സ്ഥിതി ചെയ്യുന്ന കുട്ടനാട് താലൂക്കിനെ സംബന്ധിച്ച് തികച്ചും അപ്രായോഗികമാണെന്ന് യോഗം വിലയിരുത്തുകയും ആയത് സംബന്ധിച്ചുള്ള നിർദ്ദേശം സർക്കാരിലേയ്ക്ക് സമർപ്പിക്കുവാനും തീരുമാനിച്ചു. ആയതിനാൽ കുട്ടനാടിന്റെ സവിശേഷ സാഹചര്യം കണക്കിലെടുത്ത് 2020 മെയ് 20 മുതൽ കോവിഡ് 19 രോഗവ്യാപന നിയന്ത്രണ നടപടികളുടെ ഭാഗമായി നിരീക്ഷണത്തിൽ വെക്കാനുള്ള വ്യക്തികളെ കുട്ടനാട് താലൂക്കിലെ കോവിഡ് കെയർ സെന്ററിലേയ്ക്ക് അയക്കേണ്ടതില്ല എന്ന് തീരുമാനിച്ചു.
4. കോവിഡിന്റെ പശ്ചാത്തലത്തിൽ ദുരിതാശ്വാസക്യാമ്പുകളിൽ സ്വീകരിക്കേണ്ട മുൻകരുതലുകൾ സംബന്ധിച്ച് മാർഗ്ഗനിർദ്ദേശങ്ങൾ അടങ്ങിയ പോസ്റ്ററുകൾ തയ്യാറാക്കി ക്യാമ്പുകളിൽ പ്രദർശിപ്പിക്കുന്നതിന് തീരുമാനിച്ചു.
 5. കോട്ടയം ജില്ലയുമായി അതിർത്തി പങ്കിടുന്ന കിടങ്ങുപാലത്തിന് സമീപം യാത്രാബോട്ടുകൾക്ക് തടസ്സമായി അടിയന്തരമായി അടിയന്തിരമായി നീക്കം ചെയ്യുന്നതിന് കോട്ടയം ജില്ലാ കളക്ടറോട് അഭ്യർത്ഥിക്കുവാനും കൂടാതെ Evacuation സന്ദർഭങ്ങളിൽ ഉപയോഗിക്കുന്ന 2 ബോട്ടുകൾ കെ.സി. പാലത്തിന് കിഴക്ക് വശത്ത് വിന്യസിക്കുവാൻ ജലഗതാഗത വകുപ്പ് ഡെപ്യൂട്ടി ഡയറക്ടർക്ക് നിർദ്ദേശം നൽകുവാനും തീരുമാനിച്ചു.
 6. കുട്ടനാട്ടിലെ വെള്ളപ്പൊക്ക ഭീഷണി ഒഴിവാക്കുന്നതിനായി തോട്ടപ്പള്ളി സ്പിൽവെയിലൂടെ ജലം അറബിക്കടലിലേയ്ക്ക് സുഗമമായി ഒഴുകുന്നതിന് തടസ്സങ്ങൾ നീക്കുവാൻ ആവശ്യമായ നടപടികൾ സ്വീകരിക്കുവാൻ തീരുമാനിച്ചു.
 7. ജില്ലയിലെ വിവിധ സന്നദ്ധസംഘടനകൾക്കും Civil Defence Volunteer മാർക്കും കോവിഡ് മാനദണ്ഡങ്ങൾ പാലിച്ച് മഴക്കാല മൂന്നാൽക്ക പ്രവർത്തനങ്ങളുമായി ബന്ധപ്പെട്ട് അടിയന്തിരമായി പ്രത്യേക പരിശീലനം നൽകുവാൻ തീരുമാനിച്ചു.
 8. ഡീവാട്ടറിംഗിന് ഉപയോഗിക്കുന്ന പമ്പ് അറ്റകുറ്റപ്പണി നടത്തുന്നതിലേക്കായി ഫയർ ഫോഴ്സിന് ചിലവായ 4100/- രൂപ നൽകുന്നതിന് തീരുമാനിച്ചു.
- യോഗനടപടികൾ 4.30 ന് പര്യവസാനിച്ചു.


ജില്ലാദുരന്തനിവാരണ അതോറിറ്റി ചെയർപേഴ്സൺ
& ജില്ലാ കളക്ടർ ആലപ്പുഴ

പകർപ്പ്: എല്ലാ DDMA അംഗങ്ങൾക്കും
ഡി.ഡി.പി. ആലപ്പുഴ
എല്ലാ തഹസീൽദാർമാർക്കും
എല്ലാ മുനിസിപ്പൽ സെക്രട്ടറിമാർക്കും



Date: 19.05.2020

DMC5-1160/2020

Proceedings of the meeting of District Disaster Management Authority held under the Chairmanship of District Collector on 19.05.2020 regarding Pre Monsoon Precautionary activities.

Present:

1. Sri. G. Venugopal, District Panchayath President, Alappuzha
2. Sri. James Joseph, IPS, District Police head
3. Sri. Suhair K, Deputy Director, Fisheries, Alappuzha
4. Dr. Anitha Kumari D.M.O(Health) Alapuzha
5. Sri. Abhilash K.R, District Fire Officer, Alappuzha
6. Sri. N.G Sabu, Special branch DySP, Alappuzha
7. Smt. Asha C. Abraham, Deputy Collector (DM)

Proceedings started at 3:30. Chairperson welcomed the quorum present. The chairperson informed that meeting has been convened for discussing the need for taking precautionary measures for disaster management activities in view of the upcoming South-West monsoon.

The meeting deliberated that the guidelines by District disaster management authority has been given to all the offices in the district and it was evaluated that, like the earlier years, disaster management activities has to be conducted in efficient manner which has been justified in principle and also the drawbacks on this year's orange book - Monsoon and post monsoon preparation and response guidelines.

Decisions:

1. It was decided that, in order to coordinate the disaster management activities in the district, every head of department are directed to appoint nodal officers for collecting information regarding the matter and present it before the District disaster management authority before 25.05.2020. It was also decided that the plans prepared by the Local bodies for disaster mitigation should be submitted to the local self-government institutions.
2. It was decided that, meetings were to be conducted (following COVID protocol) with regard to the pre monsoon preparations presided over by the vice chairman of D.D.M.A who is the District Panchayath President as per the instructions from D.D.M.A.
3. It was decided to implement the regulations prescribed in the orange book, provided by S.D.M.A with regard to the setting up of relief camps if the monsoon rains go, out of hands. Furthermore, as per serial number 3,
4. the instruction as to the setting up of separate buildings to accommodate people showing symptoms of COVID living in

the low sea level areas of Kuttanad Taluk was considered inappropriate in the meeting and the instructions based on the same was decided to be presented before the Kerala Government. Therefore, considering the special geographical specialty of Kuttanad, it was decided not to send people to the Special COVID care centre in Kuttanad from 20.05.2020.

5. It was decided to display posts containing precautionary measures and guidelines to be followed in relief camps in Covid-19 background.
6. It was decided to request the District Collector Kottayam to remove the weed commonly known as African payal which was being logged and obstructed the free passage of passenger boats near Kidangara at the earliest. It was also decided to request the Deputy Director Irrigation Department to deploy 2 life boats to the east of K.C.Bridge to be used for evacuation purpose.
7. It was decided to take necessary steps to avoid the threat of flood to Kuttanad by ensuring the free flow of water to the Arabian Sea through the Thottapalli spill way channel.
8. It was also decided to give special training to the civil defence volunteers and various voluntary institutions in the district immediately by observing the Covid-19 guidelines.
9. It was decided to reimburse Rs.4100/- to the Fire Force Department being the cost of repair made to the pump used for dewatering.

The meeting was over by 4.30 Pm

Signed

District Disaster Management Authority Chairperson
and District Collector Alappuzha

Copy to

1. All members of DDMA
2. DDP Alappuzha
3. All Tahsildars
4. All Muncipal Secretaries

This is the true copy of the document marked as
~~Exhibit P~~ Annexure R7(f) in the above case


Advocate

ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റി
ചെയർപേഴ്സൺ കൂടിയായ ആലപ്പുഴ ജില്ലാ കളക്ടറുടെ നടപടി ക്രമം
(ഹാജർ : ശ്രീമതി. എം. അജാന ഐ.എ.എസ്.)

DMC2-513/2016

Date : 22/05/2020

വിഷയം : ദുരന്തനിവാരണ നിയമം-2005- വകുപ്പ് 34 തോട്ടപ്പള്ളി സ്റ്റിൽവേയുടെ അഴിമുഖത്തു് കാറ്റാടിമരങ്ങൾ നിന്ന ഭാഗത്തെ മണൽ നീക്കം ചെയ്യുന്നതിന് എക്സിക്യൂട്ടീവ് എൻജിനീയർ ഇറിഗേഷൻ (മേജർ) ആലപ്പുഴയെ ചുമതലപ്പെടുത്തി ഉത്തരവാകുന്നു.

- വായന : 1. ബഹു. മുഖ്യമന്ത്രിയുടെ അദ്ധ്യക്ഷതയിൽ 27/10/2018 ലെ യോഗത്തിന്റെ തീരുമാനം.
- 2. ബഹു. ജലവിഭവ വകുപ്പ് മന്ത്രിയുടെ അദ്ധ്യക്ഷതയിൽ 24/01/2019 ൽ ചേർന്ന യോഗ തീരുമാനം.
- 3. ഈ അപീസിലെ 07/05/19 ലെ മേൽ നമ്പർ നടപടിക്രമം.
- 4. 19/05/2020 ലെ DDMA തീരുമാനം.

തോട്ടപ്പള്ളി സ്റ്റിൽവേയുടെ അഴിമുഖം ഉൾപ്പെട്ട തീരദേശത്ത് ആലപ്പുഴ സാമൂഹ്യവനവൽക്കരണത്തിന്റെ ഭാഗമായി കാറ്റാടിമരങ്ങൾ വെച്ച് പിടിപ്പിച്ചിരുന്നു. എന്നാൽ സ്റ്റിൽവേയിൽ നിന്നും അഴിമുഖത്തേക്കുള്ള ചീഡിംഗ് ചാനലിന്റെ വടക്കുഭാഗത്ത് അടിഞ്ഞുകൂടിയ മണൽതിട്ടയിൽ വെച്ചുപിടിപ്പിച്ചിരിക്കുന്ന കാറ്റാടിമരങ്ങൾ കടലിലേയ്ക്കുള്ള ജലത്തിന്റെ സുഗമമായ ഒഴുക്കിന് തടസ്സമായി തീരുന്നു. ഇപ്രകാരം സ്റ്റിൽവേയിൽകൂടി ഒഴുകി മാറേണ്ടതായ വെള്ളത്തിന്റെ അളവിൽ കുറവ് വരുന്നത് മൂലം ആലപ്പുഴ ജില്ലയിൽ വിശേഷിച്ച് കൂട്ടനാട്ടിൽ വെള്ളപ്പൊക്കകെടുതികൾ രൂക്ഷമാകാൻ ഇടയാക്കുന്നു. കൂടാതെ കഴിഞ്ഞ ദിവസങ്ങളിൽ പെയ്തുമഴമൂലം കൂട്ടനാട്ടിൽ വെള്ളപ്പൊക്കസാധ്യത ഏറിവരുകയുമാണ്.

ഇപ്രകാരമുള്ള വെള്ളപ്പൊക്കകെടുതികൾ കുറയ്ക്കാനുള്ള മാർഗ്ഗങ്ങൾ അടിയന്തിരമായി അവലംബിക്കേണ്ടതിന്റെ ഭാഗമായി തോട്ടപ്പള്ളി സ്റ്റിൽവേയിൽ നിന്നും അഴിമുഖത്തേയ്ക്കുള്ള ചീഡിംഗ് ചാനലിലെ വീതികൂട്ടുന്നതിലേയ്ക്ക് ചാനലിന്റെ വടക്കുഭാഗത്ത് സോഷ്യൽ ഫോറസ്റ്റി വിഭാഗം നട്ടുവളർത്തിയിട്ടുള്ള മരങ്ങൾ നീക്കംചെയ്യണമെന്ന് വായന (1), (2) പ്രകാരം നിർദ്ദേശിച്ചിട്ടുള്ളതാണ്. അതനുസരിച്ച്

വായന (3) പ്രകാരം ഉത്തരവ് പുറപ്പെടുവിച്ചിട്ടുള്ളതാണ്. വായന 3 ഉത്തരവിൽ മണൽ ഡിസ്റ്റ്രിബ്യൂഷൻ ചെയ്യുന്നതിനുള്ള തുടർനടപടി സ്വീകരിക്കുവാൻ ഇറിഗേഷൻ എക്സിക്യൂട്ടീവ് എൻജിനീയർ (മെക്കാനിക്കൽ) നെ ചുമതലപ്പെടുത്തിയിരുന്നു. 19/05/2020 ലെ DDMA യോഗത്തിൽ കടലിലേയ്ക്കുള്ള നീരൊഴുക്ക് സുഗമമായി നടത്തുന്നതിനുവേണ്ട നടപടി സ്വീകരിക്കുവാൻ തീരുമാനിച്ചിരുന്നു.

മേൽ സാഹചര്യത്തിലും, ആപൽക്കരമായ ദുരന്തസാഹചര്യം ഒഴിവാക്കുന്നതിനുള്ള മുൻകരുതലായി ലിഡിംഗ് ചാനലിലെ ജലത്തിന്റെ ഒഴുക്ക് തടസ്സപ്പെടുത്തുന്ന കാറ്റാടിമരങ്ങൾ മുറിച്ചുമാറ്റിയിട്ടുള്ളതാണ്. ഈ ഭാഗത്തുള്ള വെള്ളത്തിന്റെ ഒഴുക്ക് സുഗമമാക്കുന്നതിനായി മരം മുറിച്ചുമാറ്റിയ ഭാഗത്തെ മണ്ണ് എല്ലാ സംവിധാനങ്ങളും ഉപയോഗിച്ച് 25.05.2020 നകം മാറ്റി വെള്ളത്തിന്റെ സുഗമമായ ഒഴുക്ക് ഉറപ്പാക്കുവാൻ 2005 ലെ ദുരന്തനിവാരണ നിയമം വകുപ്പ് 34 പ്രകാരം എക്സിക്യൂട്ടീവ് എൻജിനീയർ ഇറിഗേഷൻ മെക്കാനിക്കൽ വിഭാഗത്തെ ചുമതലപ്പെടുത്തി ഇതിനാൽ ഉത്തരവാകുന്നു. ഇത് സംബന്ധിച്ച നടപടി വിവരം 25.05.2020 നകം ഈ കാര്യാലയത്തിൽ സമർപ്പിക്കുവാനും ഉത്തരവാകുന്നു.


 ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റി ചെയർപേഴ്സൺ
 & ജില്ലാ കളക്ടർ, ആലപ്പുഴ

To
 എക്സിക്യൂട്ടീവ് എൻജിനീയർ ഇറിഗേഷൻ (മെക്ക) ആലപ്പുഴ

- പകർപ്പ്: 1) ജില്ലാ പോലീസ് മേധാവി, ആലപ്പുഴ
- 2) റവന്യൂ ഡിവിഷണൽ ഓഫീസർ, ആലപ്പുഴ
- 3) തഹസീൽദാർ അമ്പലപ്പുഴ
- 4) വില്ലേജ് ഓഫീസർ, പുറക്കാട്

This is the true copy of the document marked as Exhibit P Annexure R7(g) in the above case


 28

**Disaster Management Authority Chairperson and District
Collector Alappuzha, proceedings**

(Present:Smt.M.Anjana IAS.)

DMC-513/2016

Date: 22/05/2020

Subject: Regarding the appointment of executive engineer irrigation(Major) Alappuzha as per Disaster Management Act 2005 Section 34 for the removal of sand from the Thottpalli Spillway's estuary, 'kaatadi trees' portion

- Reference:**
1. Decision taken in the meeting presided over by Honourable Chief Minister' dated 27/10/2018
 2. Decision taken in the meeting presided over by Honourable Irrigation Minister's meeting dated 24/01/2019
 3. Proceedings of this office dated 07/05/2019
 4. Decision of DDMA dated 19/05/2020

As part of mitigating the losses during floods in the Thottpalli Spillway's port portion and sea shore portion in Alappuzha region 'Casuarina trees'(Kattadi tree) are planted by the social forestry department. Whereas the 'Casuarina trees' (Kattadi tree) which are planted in the northern portion of the spill way channel towards the port side obstructs the free flow of water towards the sea. Thus the flow of water through spill way to the sea has been decreased and has resulted in the diversion of the water to the Alappuzha district, especially to Kuttanad area making the area prone to flood. Moreover due to the rains which had occurred in the past few days has resulted to increase the possibility of floods in Kuttanad area.

Hence in order to mitigate the possible flooding at the earliest steps such as removal of trees planted by the Social Forestry Department situated in the northern end as per reference (1) and (2) so as to increase the width of the channel from Thottappily spill way to estuary(azhimugam) is hereby directed. Therefore

the irrigation executive engineer (mechanical) was directed to take further steps to dispose off the sand from the above area vide reference 3 above. The decision to take necessary measures to ensure

free flow of the water was taken in the meeting of DDMA on 19/05/2020. Under the above circumstances to avoid disastrous consequences and as a precaution the 'Casuarina trees' (Kaatadi trees) which prevents the free flow of water through channel were cut and removed. The executive engineer irrigation (Mechanical Department) is hereby directed to initiate steps to ensure the free flow of water by removing the sand by all possible measures within 25/05/2020 as per section 34 of Disaster Management Act 2005. It is also directed to inform a compliance report with regard to this matter on or before 25/05/2020.

Signed

District Disaster Management Authority Chairperson
and District Collector Alappuzha

To

The Executive Engineer Irrigation (Major)

Alappuzha

Copy to 1) The District Police Head, Alappuzha

2) Revenue Divsional Officer, Alappuzha

3) Tahsildar, Ambalappuzha

4) Village officer, Purakkad.

This is the true copy of the document marked as
Exhibit P Annexure R7(h) in the above case


Advocate

Office of the Executive Engineer,
Irrigation Division, Alappuzha
email: eemajoralpy@gmail.com
Phone: 0477-2252212
Dated: 23.05.2020

DA-1230/18

From: The Executive Engineer

To: The Managing Director,
KMML Ltd,
Mineral Separation unit,
Kovithottam, Chavara,
Kollam - 691583

Re: Sub: Removal of mineral sand from the downstream of Thottappally spillway and Pozhy.

Ref: Agreement No.47/SE/ISC/2019 - 20 dated 11 - 10 - 2019

Your attention is invited to the reference cited.

The District Collector, Alappuzha has directed to complete the work of removal of sand from pozhy mouth within a short span of 2 to 3 days. So you are requested to mobilize more excavators and related equipment to the site and complete the work on a war footing basis.

Yours faithfully,

Sd/
Executive Engineer

ആലപ്പുഴ ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റി ചെയർമാൻ & ജില്ലാ കളക്ടറുടെ നടപടി ക്രമം
(ഫോജർ : എ. അലക്സാണ്ടർ ഐ.എ.എസ്.)

തീയതി: 24/06/2020

DMC2-513/16

എ	<input checked="" type="checkbox"/>
IA	<input type="checkbox"/>
JA	<input type="checkbox"/>
4D	<input type="checkbox"/>
SS	<input type="checkbox"/>
J	<input type="checkbox"/>
JS?	<input type="checkbox"/>

- വിഷയം- തോട്ടപ്പള്ളി സ്റ്റിൽവെയയിലൂടെയുള്ള നീരൊഴുക്ക് പൂർവ്വസ്ഥിതിയിൽ ആക്കുന്നത്-ഡൗൺ സ്റ്റീമിലും പൊഴിമുഖത്തും കൂട്ടിയിട്ടിരിക്കുന്ന മണൽ അടിയന്തിരമായി നീക്കം ചെയ്യുന്നത്-2005 ലെ ദുരന്തനിവാരണ നിയമം വകുപ്പ് 34, 51 പ്രകാരം മേജർ ഇറിഗേഷൻ എക്സിക്യൂട്ടീവ് എൻജിനീയറെ ചുമതലപ്പെടുത്തി ഉത്തരവാകുന്നത് സംബന്ധിച്ച്.
- വായന-1. 06/05/2019, 19/05/2020 തീയതികളിലെ DDMA തീരുമാനം.
2. ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റി ചെയർമാന്റെ 07/05/2019 ലെയും 20/05/2020 ലെയും ഇതേ നമ്പർ ഉത്തരവുകൾ.
3. ബഹു. ജലവിഭവ വകുപ്പ് മന്ത്രിയുടെ നേതൃത്വത്തിൽ 15/06/20 ൽ ചേർന്ന യോഗത്തിന്റെ തീരുമാനം.

ആലപ്പുഴ ജില്ലയിൽ പ്രത്യേകിച്ച് കൂട്ടനാട് താലൂക്കിലെ വെള്ളപ്പൊക്ക കെട്ടിടങ്ങൾ ഒഴിവാക്കുന്നതിനായി തോട്ടപ്പള്ളി സ്റ്റിൽവെയയിലൂടെ അറബിക്കടലിന് ലേക്കുള്ള ജലത്തിന്റെ സുഗമമായ ഒഴുക്ക് ഉറപ്പ് വരുത്തുന്നതിനായി തോട്ടപ്പള്ളി സ്റ്റിൽവെയുടെ ഡൗൺസ്റ്റീം പൂർവ്വസ്ഥിതിയിൽ ആക്കുന്നതിനായി സംസ്ഥാന സർക്കാരിന്റെ നിർദ്ദേശാനുസരണവും ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റിയുടെ തീരുമാനപ്രകാരവും തുടർകാലാടിസ്ഥാനത്തിൽ നടപടികൾ സ്വീകരിച്ചുവരുകയാണ്. 300 മീറ്റർ വീതിയുണ്ടായിരുന്ന തോട്ടപ്പള്ളി സ്റ്റിൽവെയുടെ അഴിമുഖത്തോടു ചേർന്ന ഭാഗം അതേ വീതിയിൽ തന്നെ ആക്കി ജലനിർഗ്ഗമനം പൂർവ്വസ്ഥിതിയിലാക്കാനാണ് ഉദ്ദേശിച്ചിരുന്നത്. ഇതിനായി 1300 ഓളം പോലീസുകാരുടെ സുരക്ഷയോടുകൂടി സംസ്ഥാന സർക്കാരിന്റെ നിർദ്ദേശാനുസരണം 22/05/2020 ൽ സ്റ്റിൽവെയിലെ ഒഴുക്കിന് വിഘാതമായി നിന്നിരുന്ന കാറ്റാടി മരങ്ങൾ മുറിച്ചുമാറ്റിയിട്ടുള്ളതും അന്നുമുതൽ ഇങ്ങോട്ട് അഴിമുഖത്തോടു ചേർന്ന ഭാഗത്ത് ഉദ്ദേശം 300 മീറ്ററോളം നീളത്തിൽ സ്റ്റിൽവെയിൽ അടിഞ്ഞുകൂടിയ മണൽ ഡ്രഡ്ജ് ചെയ്ത് നീക്കം ചെയ്യുന്നതിന് അടിയന്തിര നടപടി സ്വീകരിക്കാൻ ഇറിഗേഷൻ എക്സിക്യൂട്ടീവ് എൻജിനീയറെ ചുമതലപ്പെടുത്തിയിരുന്നതുമാണ്. ഏകദേശം 2 ലക്ഷം ക്യൂബിക് മീറ്റർ മണൽ ഇപ്രകാരം നീക്കാനുള്ളതിൽ 23/06/2020 ലെ കണക്കപ്രകാരം 23069 ക്യൂബിക് മീറ്റർ മണ്ണുമാത്രമാണ് നീക്കിയിട്ടുള്ളതെന്ന് ഇറിഗേഷൻ എക്സിക്യൂട്ടീവ് എൻജിനീയർ റിപ്പോർട്ട് ചെയ്തിട്ടുണ്ട്. ജില്ലാ കളക്ടർ എന്ന നിലയിൽ നേരിട്ട് സ്ഥലപരിശോധന നടത്തിയതിലും തോട്ടപ്പള്ളി സ്റ്റിൽവെയിൽ കാറ്റാടിമരങ്ങൾ നിന്ന ഭാഗത്തും പൊഴിമുഖത്തോടു ചേർന്ന ഭാഗത്തും ഡ്രഡ്ജ് ചെയ്ത മണൽ ധാരാളം കൂട്ടിയിട്ടിരിക്കുന്നതായി ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ട്. ടി മണൽ തോട്ടപ്പള്ളി കനാലിന്റെ തെക്ക് ഭാഗത്തേക്ക് മാറ്റിയിട്ട് സ്റ്റിൽവെയ പൂർവ്വസ്ഥിതിയിലാക്കാൻ ബഹു. ജലവിഭവ വകുപ്പ് മന്ത്രിയുടെ യോഗത്തിലെ തീരുമാനത്തിന്റെ അടിസ്ഥാനത്തിൽ ഉൾപ്പടെ പലതവണ മേജർ ഇറിഗേഷൻ എക്സിക്യൂട്ടീവ് എൻജിനീയർക്ക് നിർദ്ദേശം നൽകിയിരുന്നു. എന്നാൽ ആവശ്യമായ യന്ത്രങ്ങളോ ഉപകരണങ്ങളോ സ്ഥാപിച്ച് ടി മണൽ മാറ്റിയിടുന്നതിനുള്ള നടപടികൾ സ്വീകരിച്ചിട്ടുള്ളതായി കാണുന്നില്ല.

സംസ്ഥാനത്ത് കാലവർഷം ആരംഭിച്ചിരിക്കുന്ന സാഹചര്യത്തിലും ജില്ലയിൽ ശതിശക്തമായ മഴയ്ക്ക് സാധ്യതയുണ്ട് എന്നു കാണുന്നതിനാലും തോട്ടപ്പള്ളി സ്റ്റിൽവെയിലൂടെയുള്ള ജലമൊഴുക്ക് സുഗമമാക്കേണ്ടതുണ്ട് കൂടാതെ നിലവിലെ കോവിഡ് 19 സാഹചര്യത്തിൽ കട്ടനാട് താലൂക്കിലെ ജനങ്ങളെ വെള്ളപ്പൊക്ക കെടുതികളിൽ നിന്നും രക്ഷിക്കേണ്ടതുണ്ട്. ഈ സാഹചര്യത്തിൽ ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റി ചെയർമാൻ എന്ന നിലയിൽ എന്നിൽ നിക്ഷിപ്തമായ അധികാരം ഉപയോഗിച്ച് ടി നിയമം വകുപ്പ് 26 (2), 34 (a) (i) വകുപ്പുകൾ പ്രകാരം താഴെ പറയുന്ന ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

ഉത്തരവ്

തോട്ടപ്പള്ളി സ്റ്റിൽവെയിലൂടെയുള്ള സുഗമമായജലമൊഴുക്കിന് വിഘാതമായി സ്ഥിതിചെയ്യുന്ന മണൽ കൂനകളും മണലും ഡൗൺസ്റ്റീമിൻറെയും പൊഴിമുഖത്തിൻറെയും നിർദ്ദിഷ്ടദേശത്തുനിന്നും 30/08/2020 ന് മുമ്പായി ചാനലിൻറെ വശങ്ങളിലേയ്ക്ക് നീക്കി തോട്ടപ്പള്ളി കനാൽ ഡൗൺസ്റ്റീം 360 മീറ്റർ വീതിയിൽ പൂർവ്വസ്ഥിതിയിലാക്കുന്നതിന് ആവശ്യമായ നടപടികൾ സ്വീകരിക്കാൻ മേജർ ഇറിഗേഷൻ എക്സിക്യൂട്ടീവ് എൻജിനീയർ ചുമതലപ്പെടുത്തുന്നു. ഈ സമയ പരിധിക്കകം പ്രവൃത്തി പൂർത്തീകരിക്കാൻ ആവശ്യമായ യന്ത്രങ്ങളും ഉപകരണങ്ങളും മേജർ ഇറിഗേഷൻ എക്സിക്യൂട്ടീവ് എൻജിനീയർ സജ്ജീകരിക്കേണ്ടതാണ്.

KMML മായി നിലവിലുള്ള കരാർ പ്രകാരം മണൽ കൊണ്ടുപോകുന്നതിന് ആവശ്യമായ നടപടികളും ബഹു. ഫൈക്കോടതിയുടെ നിർദ്ദേശങ്ങൾക്ക് അനുസൃതമായി ഇതോടൊപ്പം സ്വീകരിക്കാവുന്നതാണ്.

മേൽ ഉത്തരവ് പാലിക്കാത്ത പക്ഷം 2005 ലെ ദുരന്തനിവാരണ നിയമം വകുപ്പ് 51 പ്രകാരമുള്ള ശിക്ഷാനടപടികൾ സ്വീകരിക്കുന്നതാണ്.


 ജില്ലാ ദുരന്തനിവാരണ അതോറിറ്റി
 ചെയർമാൻ & ജില്ലാ കളക്ടർ

എക്സിക്യൂട്ടീവ് എൻജിനീയർ, മേജർ ഇറിഗേഷൻ, ആലപ്പുഴ



Disaster Management Authority Chairman and District Collector
Alapuzha, proceedings

(Present:Shri.A.Alexander IAS.)

DMC2-513/16

Date 24/06/2020

Subject: Restoration of water flow to its earlier state through Thotapalli spill way- urgent removal of sand collected in the downstream and river mouth- Authorizing Executive Engineer Irrigation(Major) as per sections 34 and 51 of the Disaster Management Act 2005- Issue of orders:- Reg

Read:

1. Decisions of DDMA dated 06/05/2019 and 19/05/2020
2. Orders of the Chairman of District Disaster Management Authority dated 07.05.2019 and 20.05.2020 comprising the same order number.
3. Decision of the Honourable Minister of irrigation.

As per the instructions from the State Government and decision of the District Disaster Management Authority, the downstream flow of water from Thottapally spillway to Arabian Sea has been brought back to normal promptly for the easy flow of water so as to reduce the possibility of floods in the district of Alappuzha especially in Kuttanadu Taluk. The plan of action was to bring forth the width of Thotapally spill way near the estuary to its earlier width of 360 metres and to maintain the normal flow of water. For carrying out the same, the 'Casuarina trees' (Kattadi tree) trees which were blocking the flow of water were cut down under the security of 1300 police officers as per the directions of State Government on 22/05/2020 and from that day onwards the accumulated sand in the spillway near the estuary extending to the length of approximately 300 metres were to be removed by way of dredging. This task was assigned to the irrigation Executive Engineer which is to be done in a time bound manner. It has been reported by the irrigation Executive Engineer that as per the data collected as on 23/06/2020 out of the 2 lakhs cubic metres of sand which was to be removed only, 23,063 cubic metres of sand has only been removed. It has been observed by me as the District Collector in the inspection of the land that, the sand removed by way

of dredging has been deposited in the places where the 'Casuarina trees' (Kaatadi trees) stood and also in the area near to the estuary. In spite of repeated directions including in the meeting of the Honourable Minister of Irrigation, to shift the above sand to the southern side of Thotappally canal to restore the previous condition of spillway, given to the Executive Engineer Irrigation (Major), no steps had been taken to shift the sand either by installing machinery or tools for the same.

Since the monsoon has begun in the state and taking the possibility of torrential rain in the district, it is necessary that the flow of water through the Thottapally spillway is to be made easy. Moreover the people of Kuttandu taluk are to be saved from floods particularly in a condition of Covid-19. In these circumstances, in my capacity as chairman of District Disaster Management Authority, exercising the powers conferred on me under sections 26(2), 34(a)(j) I hereby issue the following order.

Order

With a view to facilitate the free flow of water, the Executive Engineer Irrigation (Major) is authorized to remove the obstructions by shifting the heaps of sand from the downstream and sea mouth and making the width of downstream canal to 360 metre before 30/06/2020. He has to arrange necessary machinery and other instruments to complete this work within that date. He can also take necessary steps to shift the sand as per the terms of the agreement with KMML and also in accordance with the directions of the Honourable High Court.

Failure to comply with the above order will invite punishments as per section 51 of the Disaster Management Act, 2005.

Signed

District Disaster Management Authority Chairperson
and District Collector

Executive Engineer Irrigation (Major) Alappuzha



भारत सरकार
परमाणु ऊर्जा नियामक बोर्ड
प्रचलित संयंत्र सुरक्षा प्रभाग

Government of India
Atomic Energy Regulatory Board
Operating Plants Safety Division

त. मो. नं०: A. P. Garg
प्रमुख ऑपरेशंस: Head, OPSD
दूरभाष Tel: 022 26990511
दूरभाष Tel: 022 25680436
फैक्स Fax: 022 25552879
ईमेल email: head.opsd@aerb.gov.in

नियामक भवन Niyamak Bhavan
अणुशक्तिनगर Anushaktinagar
मुंबई Mumbai-400 094

November 27, 2019

No: AERB/CN/OPSD/BSM-KMML/55418/2019/1246

Sub: LICENSE FOR OPERATION OF BSM FACILITIES of M/s KERALA MINERALS AND METALS LTD. (KMML), CHAVARA, KERALA

References:

- License for operation vide letter no. AERB/OPSD/BSM License/KMML/65A/ 2014/2750 dated August 19, 2014
- Application from M/s KMML for renewal of Licence for operation vide letter no. KMML/MS/AERB/LICENSE/148/2019/75 dated February 15, 2019
- Extension of license for operation of M/s KMML, Chavara, Kerala vide AERB/OPSD/55413/2019/912 dated August 19, 2019
- Minutes of 6th meeting of Nuclear Facilities Safety Committee - 1 held on Sept 06, 2019 at AERB, Mumbai
- Deliberations during SARCOP meeting no. 752 held on Nov. 21, 2019

With reference to above, Competent Authority has accorded his concurrence for renewal of License for operation of Beach Sand Minerals Facilities of M/s Kerala Minerals and Metals Ltd. (KMML), Chavara, Kerala. Please find enclosed herewith the copy of the consent.


(A.P. Garg)
Head, OPSD

Dr. Febi Varghese
Managing Director, KMML, Chavara

Shri S. Sri Kumar
AGM (MS)
M/s Kerala Minerals and Metals Ltd.
Chavara, Kollam District
Kerala - 691583

CC: Chairman, AERB
Executive Director, AERB
Director, NRC, AERB
Lead Reviewer & Reviewer IRL facilities
OPSD Database

CHAIRMAN
DIRECTOR
REGULATORY
BOARD

GOVERNMENT OF INDIA

LICENCE

November 27, 2019

No. AERB/CN/OPSD/BSM-KMML/55418/2019/1246A

Ref:

- (i) License for operation vide letter no. AERB/IPSD/BSM License/KMML/65A/2014/2750 dated August 19, 2014.
- (ii) Application from M/s KMML for renewal of Licence for operation vide letter no. KMML/MS/AERB/LICENSE/148/2019/75 dated February 15, 2019.
- (iii) Extension of license for operation of M/s KMML, Chavara, Kerala vide AERB/OPSD/55413/2019/912 dated August 19, 2019.
- (iv) Minutes of 6th meeting of Nuclear Facilities Safety Committee - 1 held on Sept 06, 2019 at AERB, Mumbai.
- (v) Deliberations during SARCOP meeting no. 752 held on Nov. 21, 2019.

Name & Address
of the Beach Sand
Minerals Facilities

M/S KERALA MINERALS AND METALS LTD.,
CHAVARA, KOLLAM DISTRICT,
KERALA - 691583

Name &
Designation of the
Employer/Licensee

DR. FEBI VARGHESE
MANAGING DIRECTOR,
KMML, CHAVARA

Name &
Designation of the
Applicant

SHRI S. SRIKUMAR
ASSISTANT GENERAL MANAGER (MS)
KMML, CHAVARA

Licence validity

DECEMBER 01, 2019 TO AUGUST 31, 2024

Atomic Energy Regulatory Board

With reference to above and in exercise of the power conferred under sections 16 and 17 of The Atomic Energy Act, 1962 read in conjunction with Rule 3 of The Atomic Energy (Radiation Protection) Rules, 2004 and The Atomic Energy Regulatory Board (AERB) notification S.O.1210 dated 24th April 2009 on Beach sand Minerals (BSM) processing facilities, AERB hereby grants the Licence to operate the following plant:

Plant	Capacity
Beach Sand Minerals (BSM) Processing Facilities at M/s KMML, Chavara	Handling of 3,050 TPA of Monazite

CONDITIONS OF LICENCE FOR M/S KMML, CHAVARA

(1) Employer/Licensee shall:

- (a) ensure that provisions of The Atomic Energy (Radiation Protection) Rules, 2004 are implemented
- (b) provide facilities and equipment to the Radiological Safety Officer and other worker(s) to carry out their functions effectively in conformity with the regulatory constraints,
- (c) prior to employment of a worker, procure from his former employer, where applicable, the dose records and health surveillance reports,
- (d) upon termination of service of worker provide to his new employer on request his dose records and health surveillance reports,
- (e) furnish to each worker dose records and health surveillance reports of the worker in his employment annually/ as and when requested by the worker/ at the termination of his service,
- (f) inform the competent authority if the Radiological Safety Officer leaves the employment, and
- (g) arrange for health surveillance of workers as specified under Rule 25 of The Atomic Energy (Radiation Protection) Rules, 2004.

(2) The employer/licensee shall be the custodian of radiation sources in his possession and shall ensure physical security of the sources at all times.

- (3) The employer/licensee shall inform the competent authority, within twenty four hours, of any accident involving a source or loss of source of which he is the custodian.
- (4) The responsibility for implementing the terms and conditions of the licence shall rest with the employer/licensee.
- (5) The employer/licensee shall comply with the surveillance procedures, safety codes and safety standards specified by the competent authority.
- (6) The employer/licensee shall establish written procedures and plans for controlling, monitoring and assessment of exposure for ensuring adequate protection of workers, members of the public and the environment and patients, wherever applicable.
- (7) The employer/licensee shall comply with the provision of rules for safe disposal of radioactive waste issued under the Act.
- (8) Without prejudice to the generality of the above, the licensee shall:
- (a) not allow workers, other than those specified in sub-clause (ii) of clause (e) of sub-rule (2) of rule 7 and already dealt with under rule 17 of The Atomic Energy (Radiation Protection) Rules, 2004,
 - (b) maintain records of workers as specified under rule 24 of The Atomic Energy (Radiation Protection) Rules, 2004,
 - (c) arrange for preventive and remedial maintenance of radiation protection equipment, and monitoring instruments,
 - (d) in consultation with the Radiological Safety Officer, investigate any case of exposure in excess of regulatory constraints received by individual workers and maintain records of such investigations,
 - (e) inform competent authority promptly of the occurrence, investigation and follow-up actions in cases of exposure in excess of regulatory constraints, including steps to prevent recurrence of such incidents,
 - (f) carry out physical verification of radioactive material periodically and maintain inventory,
 - (g) inform appropriate law enforcement agency in the locality of any loss of source,
 - (h) investigate and inform the competent authority of any accident involving source and maintain record of investigations,
 - (i) verify the performance of radiation monitoring systems, safety interlocks, protective devices and any other safety systems in the radiation installation.

- (j) In consultation with Radiological Safety Officer, prepare emergency plans, as specified in rule 33 of The Atomic Energy (Radiation Protection) Rules, 2004, for responding to accident to mitigate their consequences and ensure emergency preparedness measures.
- (k) conduct or arrange for quality assurance tests of structures, systems, components and sources and related equipment.
- (9) The licensee shall ensure that the workers are familiarised with contents of the relevant surveillance procedures, safety standards, safety codes, safety guides and safety manuals issued by the competent authority and emergency response plans.

Other Consenting Conditions

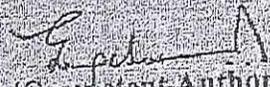
- (1) The employer/licensee shall not operate the plant beyond the license capacity.
- (2) The employer/licensee shall ensure the submission of Quarterly and Annual Health Physics reports to AERB in the prescribed format.
- (3) Duly qualified Radiological Safety Officer (RSO) approved by Atomic Energy Regulatory Board (AERB) shall be available at the site.
- (4) Monazite enriched tailings shall be stored in the trenches within the plant premises under institutional control and topped with silica rich sand so that, there is no enhancement in the natural radiation background of the tailings storage area.
- (5) The employer/licensee shall ensure that sufficient trenches are available for the storage of tailings to be generated during the license period.
- (6) Transport of Monazite shall be in accordance with the guidelines prescribed by the AERB.
- (7) Full facilities shall be accorded to authorised representative(s) of AERB to inspect the installation at any time.
- (8) The employer/licensee shall comply with all the recommendations made by AERB with respect to radiological safety.
- (9) Any change in the information listed in the application shall be intimated forthwith to AERB.
- (10) Application for renewal of license as per the prescribed format shall reach AERB before 180 days of the date of expiry.
- (11) Any plan for decommissioning of the facility shall be intimated forthwith to AERB.

Atomic Energy Regulatory Board

5

(12) This license is valid subject to availability of all other necessary statutory/regulatory clearances.

(13) The license may be suspended or cancelled, if any declaration made or information given in the application thereof is found to be false or if any undertaking given in such application is not carried out.


(Competent Authority)

ഗവേഷണ നാമ / G. NAGESWARA RAO
 ചെയർ / Chairman
 അറ്റം റിഗുലേറ്ററി ബോർഡ്
 Atomic Energy Regulatory Board

Managing Director, KMML, Chavara

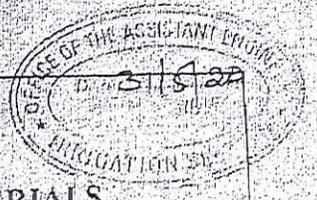
Shri S. Srikumar
 AGM (MS)
 M/s Kerala Minerals and Metals Ltd.,
 Chavara, Kollam District,
 Kerala - 691583

Page 5/5



MOO 757

GOVT. OF KERALA
IRRIGATION DEPARTMENT



ACKNOWLEDGEMENT OF RECEIPT OF MATERIALS

Name of Work: Removal of Mineral Sand from Thottappally Spillway Channel & Pozhi Mouth
Agreement No: 47/SE/ISC/2019-20 dtd 11.10.2019

Name of the Contractor: M/s Kerala Minerals and Metals Ltd.

Date: 31/5/2020

Time: 12:50 PM

Sl. No.	Vehicle No.	Vehicle Dimensions	Quantity	Remarks
757	KL 29 K 7002	3.90 x 2.15 x 0.80	6.706 m ³	

Received 6.706 Cubic metres of Mineral sand from Irrigation section, Thottappally For and on behalf of M/s Kerala Minerals and Metals Ltd.

[Signature]
Mines Manager
Chavara Ilmenite Mine
M/s Kerala Minerals & Metals Ltd.
Kovilthotram
Signature of Authorized Personnel 691 583

ASSISTANT ENGINEER
IRRIGATION SECTION
THOTTAPPALLY

58

This is the true copy of the document marked as Exhibit P Annexure R7(m) in the above case

[Signature]
Date