

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

ORIGINAL APPLICATION NO. 105 OF 2022 (SZ)

With

ORIGINAL APPLICATION NO. 122 OF 2022 (SZ)

In the matter of:

Sunitha, Kerala

----Applicant(s)

-VS-

Union of India and ors.

----Respondent(s)

WITH

Ajitha, Alappuzha District

----Applicant(s)

-VS-

Union of India Respresented by its

Secretary, MoEF&CC, New Delhi and ors.

----Respondent(s)

ACTION PLAN BY PUBLIC WORKS DEPARTMENT AND DISTRICT

COLLECTOR, ALAPPUZHA/4TH RESPONDENT

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Dated at Chennai on this the 09th January, 2023.

for G. K. Kumaresan
9/1/23

M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

ACTION PLAN BY PWD

1115

1031

97

LSGD-RA1/412/2022-LSGD(RA)

No. A11-1936/2012 dtd 17/06/14

Office of the Executive Engineer
PWD Buildings Division
AlappuzhaFrom
The Executive EngineerTo
The District Collector
AlappuzhaSir,
Sub: Demolition of the unauthorised construction of KAPICO resort
in Panavally Panchayat-EIA report-necessary action-reg.Ref: 1. That office letter no. C4-42300/13(10) dtd 11/06/2014
2. This office letter even No. dtd. 7/3/2014

As per reference 1st cited above I may report as follows

Kapico resort

At present there are 18 nos of Double pool villas, 19 nos of Deluxe villas, 23 nos of Single pool villas, 1 no of Presidential villa and a front office building having of plinth area 8018m² in this resort. Out of this, valuation of 18 nos of Double pool villas has already been submitted and detailed valuation of balance villas can be submitted within 1 month time after getting the direction.

The front office building is a heavy RCC framed structure with huge machineries and electrical equipments like AC plant, power laundry etc. were installed in it. Valuation of this building can be prepared only with the help of electrical & mechanical experts. Hence its valuation will take at least 3 months time after completing the valuation of villas (valuation of all the buildings of Kapico resort can be completed in 4 months).

Action plan for demolition procedure of the unauthorised resort has already been prepared and submitted to that office vide reference 2nd cited as directed. The copy of the same is enclosed herewith.

The detailed estimate for demolishing the structure according to the recommendations in the EIA report may be obtained from the higher level technical experts of IITs/NITs/Govt. Engg colleges/Competent agencies etc.

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6824393/2022/LSGD(RA)

LSGD-RA1/412/2022-LSGD

1838/197

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The demolition process can be carried out only after taking over the resort by the Govt and a registered Structural Engineer should be appointed for initiating the demolishing works.

Preparation of Master Plan and executing the operation of demolition may be entrusted to a competent agency selected through competitive bidding process.

The expenditure required for site visits, engaging labours, watchman and staff on daily labour rates necessary for the preparation of valuation of buildings, preparation of detailed estimate through the competent agency for demolition process according to the recommendations of EIA report, appointment of registered Structural Engineer for initiating the demolishing works and bidding process for selecting the competent agency for executing the demolition operation etc. comes approximately to Rs.375 lakhs.

Vamika resort

Since the management has agreed to execute the demolition of Vamika resort by themselves, the data for preparing the valuation of the building to be demolished is not available with us and this has to be collected for the same. If the management is not executing the process within the stipulated period and as per the guidelines in EIA report and directions from institutions like Forest & Environment Department, Pollution Control Board etc, the same can be carried out as in the case of Kapico resort.

This is for your kind consideration.

Encl: plan of action

Yours faithfully

Mangalika sharma
Executive Engineer

- वारी अक्षर -

DEPUTY COLLECTOR (DM)
Collectorate, Alappuzha

Ss

1119

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Demolition of the unauthorised construction of KAPICO resort
in Panavally Panchayat

Expenditure Statement

1. Expenditure for Site Visit (Two visit per month)

20x893 (Boat conveyance) = 17860

2. Man power

Watchman – 300 day x 377/day = 113100

Labours (for Ist 4 months) (4 x 16 x 500 / day) = 32000

Labours (for next 6 months) (4 x 12 x 500 / day) = 24000

Total 186960

Unforceen 13040

Grand Total 200000

Mangal S/O
EXECUTIVE ENGINEER

- വാഗ്ദാനം -
[Signature]
DEPUTY COLLECTOR (DM)
Collectorate, Mannuzha

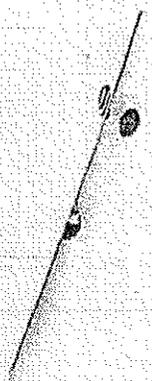
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6824393/2022/LSGD(RA)

LSGD-RA1/412/2022-LSGD

1840/197



112/

1037

Demolition of the unauthorised construction of KAPICO resort
in Panavally Panchayat

Expenditure for Preparation of Detailed Estimate for demolishing and
engaging registered structural Engineer

1. Building area to be demolished

| | | |
|---|---|------------------------------|
| Double pool Villa - 18 x 472.30m ² | = | 8501.40 |
| Standard Villa - 23 x 273.43m ² | = | 6288.89 |
| Delux Villa - 19 x 1052.40 | = | 19995.73 |
| Presidential Villa - 1 x 2281.27 | = | 2281.27 |
| Front office - | = | <u>8017.68</u> |
| Total | | 45084.97m² |

$45084.97m^2 \times 23500/m^2 = 1059497500 \times 3.5\%$

= 3,70,82,412/-

2. For site visit and labour = 2,00,000/-

3. Unforceen = 2,17,588/-

Grand Total (1 + 2 + 3) = 3,75,00,000/-

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Mam/No 8th
 EXECUTIVE ENGINEER

DEPUTY COLLECTOR (DM)
 Collectorate, Alappuzha

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PLAN OF ACTION FOR DEMOLISHING PROCEDURE OF UN AUTHORISED RESORTS IN PANAVALLY GRAMA PANCHAYAT

| Sl. No | Description of activity | 1 st month | 2 nd month | 3 rd month | 4 th month | 5 th month | 6 th month | 7 th month | 8 th month | 9 th month | 10 th month |
|--------|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|
| 1 | Taking over the resorts by the Govt. after preparing "mahazar" | | | | | | | | | | |
| 2 | Review record plans, inspect the site and buildings to be demolished | | | | | | | | | | |
| 3 | Identifying the location for dumping the debris | | | | | | | | | | |
| 4 | Initiating demolishing works and appointment of registered structural Engineer | | | | | | | | | | |
| 5 | Entrust competitive agency, selected through public advertisement to prepare the Master Plan and executing the operation of demolishing | | | | | | | | | | |
| 6 | Submit the demolishing plan to the concerned authority such as Forest and Environment Department, Govt. of India and Kerala, Pollution Control Board etc. for approval | | | | | | | | | | |
| 7 | Verifying the type of buildings to be demolished and special structural features such as piles, underwater shear walls, beams etc. Features like the A/C unit, water tank, heavy machineries, electrical equipments etc. to be removed prior to demolishing. Identify and remove the hazardous materials | | | | | | | | | | |
| 8 | Completing the precautionary measures to reduce the dust, noise and vibration impact before the demolishing operations | | | | | | | | | | |
| 9 | Transporting necessary machineries required for demolishing to the site | | | | | | | | | | |
| 10 | Reusable materials to be salvaged and auctioned. | | | | | | | | | | |
| 11 | Executing demolishing operations considering all safety measures | | | | | | | | | | |
| 12 | Removal of the demolished debris safely to the identified location for dumping | | | | | | | | | | |
| 13 | Original condition of the island is to be restored by deposing the debris and leveling | | | | | | | | | | |

Note: Total Duration proposed for demolishing procedure is 10 months

Munish Kumar

[Signature]
EXECUTIVE ENGINEER

DEPUTY COLLECTOR (DM)
Collectorate, Alleppuzha

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DMC.2-42300/2013

Collectorate, Alappuzha
Date - 21/06/2014

From

District Collector
Alappuzha

To

The Additional Chief Secretary to Government
Environment (A) Department,
Thiruvananthapuram.

Sir,

Sub: Demolition of the Unauthorised construction of KAPICO & Vamika resort resorts in Panavally Panchayat – EIA report – action taken report submitted – reg

- Ref: 1) Govt. Ltr. No. 4549/A2/13/ENVT. Dated 03/06/2014
2) ELA Study report of Central Expert Team
3) Letter No. A11-1936/2012 of The Executive Engineer, PWD Buildings Division, Alappuzha.
4) Letter No. PCB/ALP/TG-270/13 of The Environmental Engineer Kerala State Pollution Control Board District Office, Alappuzha.

As the report by the 1st reference, the Plan of action of demolition of unauthorized constructions in the above resorts. Action Plan prepared by the Executive Engineer, PWD Buildings Division, Alappuzha and The Environmental Engineer, Kerala State Pollution Control Board Office, Alappuzha are submitted as follows.

Kapico Resort

At present there are 18 nos of Double Pool villas, 19 nos of Deluxe villas, 23 nos of Single Pool villas. 1 no of Presidential villa and a front office building having of plinth area 8018m² in this resort. Out of this, valuation of 18 nos of Double pool villas has already been submitted and detailed valuation of balance villas can be submitted within 1 month time after getting further direction from Government.

The front office building is a heavy RCC framed structure with huge machineries and electrical equipments like AC plant, power laundry etc. Have been installed in it. Valuation of this building can be prepared only with the help of electrical & mechanical experts. Hence its valuation with take at least 3 months time after completing the valuation of villas valuation of all the buildings of Kapico resort

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can be completed in 4 months.

The detailed estimate for demolishing the structure according to the recommendations in the ELA report is to be obtained from the higher level technical experts of IITs / NITs / Govt. Engg. Colleges / Competent agencies etc. either after inviting tenders or by direct engagement.

The demolition process can be carried out only after taking over the resort by the Government and a registered Structural Engineer should be appointed for supporting the demolishing works.

Preparation of Master Plan and executing of the operation of demolition may be entrusted to a competent agency selected through competitive bidding process.

The expenditure required for site visits, engaging labours, watchman and staff on daily labour rates necessary for the preparation of valuation of buildings, preparation of detailed estimate through the competent agency for demolition process according to the recommendations of EIA report, appointment of registered Structural Engineer for overseeing the demolishing works and bidding process for selecting the competent agency for executing the demolition operation etc. comes approximately to Rs. 375 Lakhs.

Vamika Resort

Since the management has agreed to execute the demolition of Vamika resort by themselves, the date for preparing the valuation of the building to be demolished is not available with us and this has to be collected for the same. If the management is not executing the process within the stipulated period and as per the guidelines in EIA report and direction from institution like Forest & Environment Department, Pollution Control Board etc, the same can be carried out as in the case of Kapico resort.

**Demolition of the unauthorised construction of
KAPICO resort in Panavaly panchayath**

**Expenditure for Preparation of Detailed Estimated for
demolishing and engaging registered structural Engineer.**

| | | |
|---|---|----------|
| 1. Building area to be demolished | | |
| Double Pool Villa – 18 x 472.30m ² | = | 8501.40 |
| Standard Villa – 23 x 273.43m ² | = | 6288.89 |
| Delux Villa – 19 x 1052.40 | = | 19995.73 |

| | | |
|---|---|------------------------|
| Presidential Villa - 1 x 2281.27 | = | 2281.27 |
| Front Office | = | 8017.68 |
| Total | = | 45084.97m ² |
| 45084.97m ² x 23500/m ² = 1059497500 x 3.5% = | | 3,70,82,412 |

| | | |
|------------------------------|---|--|
| 2. For site visit and labour | = | 200000 (Item wise details of site visit and labour is given below) |
| 3. Unforeseen | = | 2,17,588 |
| Grand Total (1+2+3) | = | <u>3,75,00,000</u> |

Demolition of the unauthorised construction of KAPICO resort in Panavally Panchayath

Expenditure Statement

| | | |
|---|---|---------------|
| 1. Expenditure for site visit (Two visit per month) 20 x 893 (Boat Conveyance) / day | = | 17860 |
| 2. Man Power | | |
| Watchman - 300 day x 377 / day | = | 113100 |
| Labours (for Ist 4 months) (4 x 16 x 500 /days) | = | 32000 |
| Labours (for next 6 months) (4 x 12 x 500/days) | = | 24000 |
| Total | = | 186960 |
| Unforeseen | = | 13040 |
| Grand Total | = | <u>200000</u> |

The plan of action that the Pollution Control Board Proposes to undertake in connection with the demolition of M/s Kaplco Resort at Nedyathuruthu and the estimated expenses in connection with the implementation of the plan are detailed below.

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1. **Plan of action**

The expert Committee in their report has suggested the demolition works has to be done under the supervision of the Pollution Control Board. Hence the Board proposes to implement the following.

- i) To monitor the water quality of the lake around the island during the entire phases of demolition and to issue instructions to the concerned if the lake is detected to be polluted due the demolition or related works.
- ii) To observe the air quality around the island during the entire phase of demolition and to issue instructions to the concerned if the air is detected to be polluted due the demolition or related works.
- iii) To ensure that the workers and others engaged in demolition works have adequate scientific sanitary facilities, to see that the waste water generated gets treated in a mobile swages treatment plant, to observe the mode of disposal of food waste and to issue directions to the concerned to rectify defects if environmental degradation is observed due to the above mentioned activities.
- iv) To ensure that adequate air pollution control measures like wind screens, water sprinklers etc have been provided to minimize air pollution.
- v) To ensure that hazardous waste generated during the demolition are safely transported to secured land fill site at Ambalamugal, Kochi. The mode of transportation of materials and whether any pollution is caused to the lake during transportation are also to be observed.
- vi) To verify that the premises of the island are neat and clean after the demolition.

2) **Financial expenses**

In officer in the rank of Assistant Engineer is to be present in the site throughout the demolition phases and the demolition is to be supervised by Board of Pollution. As it is impossible to ensure the service of permanent staff of this office due to staff shortage, suitable number of daily wages employees have to be utilized.

A. **Manpower**

- i) Assistant Engineers - Rs. 4,12,500/- (2 persons @ Rs. 825 per person per day for 25 days in a month for 10 months)
(on daily wages)

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| | | |
|------|---|--|
| ii) | Helpers (on daily wages) - | Rs. 1,50,000/- (2 persons @ Rs. 300 per person per day for 25 days in a month for 10 months) |
| iii) | Under scientific Assistant (on daily wages) - | Rs. 20,200/- (1 person @ Rs. 505 per person per day for 1 day in a week for 10 months) |
| B. | Chemicals - | Rs. 2,20,800/- (for analyzing the pH, BOD, Suspended Solid, Turbidity and Colour of Lake) |
| C. | Boat Facility - | Rs. 4,00,000/- (Rs. 5000 for 5 hours per day for two days in a week for 10 months) |
| | Grand Total - | Rs. 12,03,500/- (Rs. Twelve lakhs three thousand & Five hundred only) |

The calculation is based on the assumption that the demolition works will be completed in 10 months. The amount increases if it takes more time for demolition. It is requested to submit the detailed action plan. If the demolition and to obtain the approval of the Board.

Total approximate amount required for the demolition period is as follows

| | | |
|----|---|---------------|
| a) | For preparation of detailed estimate for demolishing & engaging structural engineer - | 3,95,00,000 |
| b) | For supervising of Pollution Control Board - | 12,03,500 |
| | Total - | 3,87,03,500/- |

This is for your kind consideration.

Yours Faithfully,
(Sd/-)
District Collector

Encl : Plan of action

- True Copy -


DEPUTY COLLECTOR (DM)
Collectorate, Alappuzha

(11)

KERALA COASTAL ZONE MANAGEMENT AUTHORITY

Directorate of Environment & Climate Change

4th Floor, KSRTC Bus Terminal, Thampanoor, Thiruvananthapuram - 01

Ph. 0471-2339696, E-mail: kczmasandtd@gmail.com

No: 2983/A2/2019/KCZMA

Dated : 07.01.2023

From

The Director

Department of Environment & Climate Change

To

Ady. G. Prabhu

Standing Counsel for KCZMA

Mob No. 9444398701

No.6, South Indian Chamber of Commerce

Annexe Building,

Esplanade, Chennai - 600 104

Sir,

Sub: - KCZMA - Violation of CRZ Notification and demolition of M/s
Kapico Kerala Resorts and M/s Vamika Resort - Reg.

Ref: - 1.F.No.3-86/2014-IA-III & F.No. IA3-3/108/2022-IA.III
dated 11.10.2022 from MoEF&CC.

2. This office letter of even no. dated 21.11.2022 to District Collector, Alappuzha (Copy enclosed)
3. Letter.No. C-2514/21 dated 22.11.2022 and 24.11.2022 from the Secretary, Panavally Grama Panchayat.
4. Judgement dated 07.12.2022 in Original Application No. 105 of 2022(SZ & 1A No.176/2022) & Original Application No. 122 of 2022 of the Hon'ble National Green Tribunal.

Kind attention is invited to the reference cited. The Hon'ble High Court of Kerala vide it's order dated 25.07.2013 in WP(c) No. 19564/11 and connected cases and Hon'ble Supreme Court in SLP (C) No. 24390-24391 of 2013 in its order dated 08.08.2013 has ordered demolition of the illegal construction made by M/s Kapico Kerala Resorts Pvt. Ltd. at Nediya Thuruthu and by M/s Vamika Island Resorts Pvt. Ltd. respectively at Vettala Thuruthu, Vembanad Lake, Alappuzha, Kerala.

The Hon'ble Court, by judgement dated 10.01.2020 in CA Nos.184-186 of 2020 (arising out of SLP(C)Nos.34143/45 of 2013) dismissed all the appeals filed by KAPICO Kerala Resorts Pvt. Ltd. challenging the judgement of the Hon'ble High Court in WP(c)No. 19564/2011.

Consequently vide letter dated 24.04.2020 the Secretary, Panavally Grama Panchayat, was directed to itemize the expected cost of demolishing the building and to report along with the details of permit granted. Further as per letter dated 10.08.2020, the Local Self Government Department directed the 2nd respondent (Secretary, Panavally Grama Panchayat) to take further action to comply with the directions of the Hon'ble Supreme Court.

Vide letter dated 08.09.2020 the District Collector, Alappuzha had requested Government:

1. to appoint a Special Officer to demolish the resort and to comply with the Judgment of the Hon'ble Supreme Court
2. to appoint a technical committee to advice the process of demolition, removal of waste, Environment Impact etc.
3. to sanction sufficient fund for demolition as suggested by the expert committee.

As requested by the District Collector, Government directed the District Collector to work out the modalities for demolition and to formulate a comprehensive action plan in consultation with District Collector, Ernakulam, who had carried out the demolition of unauthorized flats in Maradu Municipality.

A meeting was convened by the Principal Secretary (Urban), Local Self Government Department on 09.04.2021 with the District Collector, Alappuzha; District Collector, Ernakulam, the Chief Town Planner, the Director of Panchayat, the RDO, Alappuzha, the Town Planner, Alappuzha and the Secretary Panavally Grama Panchayat. In the meeting an action plan was decided and all officers concerned were instructed to undertake the delegated activities.

KCZMA was directed to prepare the Environment Management Plan. But the Environment Management Plan is to be prepared by National Accreditation Board for Education and Training (NABET) or another agency notified by the Ministry of Environment Forest and Climate Change as per SO No. 3903(E) dated 30.10.2019. Hence vide letter dated 29.09.2021 the District Collector, Alappuzha was informed about the same and also requested to entrust the work for preparation of Environment Management Plan to the Secretary of the concerned local body.

Pursuant to the above said meeting the District Collector, Alappuzha submitted the Action Taken Report and informed Government that on 23.11.2021 a joint inspection by the officials of Pollution Control Board, Kerala State Electricity Board, Executive Engineer-Electronics Division-PWD

and Executive Engineer - PWD (Buildings) had been conducted by the departments concerned. The District Collector recommended engagement of an external agency having expertise in the field for demolishing the unauthorized construction without causing environmental hazard to the island and surrounding water bodies within the stipulated time limit.

Consequent to the meeting convened by the Chief Secretary on 06.09.2022, the District Collector was directed to take action on Government direction regarding demolition of the unauthorized buildings and to submit an Action Taken Report in this regard. On 13.09.2022, the Secretary, Panavally Grama Panchayat accepted the demolition plan submitted by M/s Kapico Resorts Pvt. Ltd.

As per decision taken in the meeting held on 13.09.2022 by the District Collector, the Village Officer, Panavally was directed to prepare the video Mahazar of the items to be demolished and removed with the support of the Secretary, Panavally Grama Panchayat. The resort authorities were directed to start the demolition process under the Land Conservatory Act as early as possible according to the demolition plan of M/s Kapico Resorts Pvt. Ltd. approved by the Secretary. The demolition process of M/s Kapico Resorts Pvt. Ltd. started on 15.09.2022 at 10 AM under the supervision of the Secretary. Since the concrete constructions measuring about 8081sqm were carried out on island, the demolition work has to be completed without polluting the surrounding water bodies and by removing the debris to a safe place outside the island and the same will be completed in phased manner under the supervision of the Secretary, Panavally Grama Panchayat.

The Secretary, Panavally Grama Panchayat vide reference 3rd cited has reported that the demolition of Kapico Resorts at Nedyathuruthu started on 15.09.22 and the villas at Puramboke land were demolished initially. Out of the 52 villas, 4 villas (No. 103,104,105 and 108) were demolished completely. The compound wall of villa no. 111 was demolished partially and demolition of another villa (No.107) has been started. The waste materials after demolition are kept in the company's land and it is informed that the same will be transferred to the place owned by the Project Proponent as mentioned in the demolition plan. The Project Proponent has informed that the demolition will be completed within six months.

This may be brought to the notice of the Hon'ble National Green Tribunal.



Yours faithfully

**Joint Secretary, KCZMA
For Director, DoECC**

Copy to :- The Member Secretary, Kerala State Pollution Control Board

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

ORIGINAL APPLICATION NO. 105 OF 2022 (SZ)

With

ORIGINAL APPLICATION NO. 122 OF 2022 (SZ)

In the matter of:

Sunitha, Kerala

----Applicant(s)

-VS-

Union of India and ors.

----Respondent(s)

WITH

Ajitha, Alappuzha District

----Applicant(s)

-VS-

Union of India Respresented by its

Secretary, MoEF&CC, New Delhi and ors.

----Respondent(s)

**ACTION PLAN BY PUBLIC WORKS
DEPARTMENT AND DISTRICT
COLLECTOR, ALAPPUZHA/4TH
RESPONDENT**

E.K. KUMARESAN,

Standing Counsel for Government of kerala

No.6, Indian Chambers (SICCI)

Annex Building, Ground Floor,

Esplanade, Chennai - 600 108.

Cell No: 94443 98701