

**ssBEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 124 OF 2021 (SZ)**

**ACTION TAKEN REPORT SUBMITTED BY 4TH RESPONDENT /
ENVIRONMENT DEPARTMENT**

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Dated at Chennai on this the 28th day of October 2021.

M/s. E.K.KUMARESAN

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

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

(SOUTHERN ZONE), CHENNAI

Original Application No. 124 of 2021 (SZ)

IN THE MATTER OF
Sibi Joseph, Kerala.

...Applicant(s)

Versus

Union of India and others.

...Respondent(s)

**ACTION TAKEN REPORT SUBMITTED BY 4TH RESPONDENT /
ENVIRONMENT DEPARTMENT**

It is respectfully submitted that this Hon'ble Tribunal vide its order dated 10.06.2021 in OA No.124/2021 has directed the Respondents to submit the Independent report.

It is respectfully submitted that the grievance in the application is against the grant of Environmental Clearance to two granite building stone quarries, of the 8th and 9th respondents, located in Akathethara Panchayath of Palakkad District of Kerala State. It is also alleged that the operation of the quarries create environmental damage.

it is most respectfully submitted that the Hon'ble Tribunal vide its order dated 14.09.2021, has directed the Government to instruct the officials to comply with the direction and if they did not comply, the cost is liable to be paid, then the amount will be recovered from them, if the same happened to be paid from the department account and must be reported to the Hon'ble Tribunal. Accordingly, Government, vide letter No. A3/134/2021-ENVT dated 23.09.2021 had issued instructions in this regard to the departments concerned.

It is submitted that regarding the environmental damage created due to the operation of quarries, it is humbly submitted that the Pollution Control Board grants Consent to Operate for granite building stone quarries based on the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 only. Air and water pollution and their control measures are considered by the Board while granting Consents.

It is also submitted that the Environmental Engineer of Kerala State Pollution Control Board, Palakkad, has submitted an Interim Report dated 12.09.2021 based on the inspections conducted on 02.09.2021 and 03.09.2021.

It is also submitted that the Pollution Control Board in co-ordination with other members of the committee constituted by the Hon'ble Tribunal is

working towards the submission of the Final Action Taken Report before the Hon'ble Tribunal.

It is submitted that regarding the grant of Environment Clearance to the quarries mentioned in the Original Application, it is humbly submitted that the Environmental Clearance is issued by the 2nd respondent, State Environment Impact Assessment Authority (SEIAA), to the 8th respondent for extraction of minor minerals and said EC dated 24.05.2014 is issued for 15 years subject to renewal in every 5 years. An application was received from the project proponent in the year 2019 and based on the same SEIAA in its 88th meeting modified the renewal to review. The subject project was reviewed by MoEF&CC.

It is submitted that the Applicant's grievance is not on the issuance of EC and the Applicant has no locus standi to challenge the EC after 7 years of the issuance of the same. Further it is submitted that the Applicant has not pieced any record to show that EC issued is bad in accordance with law.

It is humbly submitted that EC has not been issued to the 9th respondent from SEIAA. SEIAA has directed the 9th respondent to provide ToR due to the fact that EC sought was for more than 5ha.

Therefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to record the said Action Taken Report filed by Environment Department/4th Respondent on Record and thus render justice.

Dated at Chennai on this the 28th day of October, 2021



(E.K.Kumaresan)

Counsel for R4

Standing Counsel for State
Government of Kerala

NGT(SZ), Chennai Bench

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M/s. E.K.KUMARESAN
Standing counsel for Kerala(SZ)
Counsel for R3 to R5