

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

**STATUS REPORT OF THE WORK DONE BY THE JOINT COMMITTEE
SUBMITTED BY 3RD RESPONDENT / THE DIRECTOR OF MINING AND
GEOLOGY**

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Dated at Chennai on this the 5th 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)

**STATUS REPORT OF THE WORK DONE BY THE JOINT COMMITTEE
SUBMITTED BY 3RD RESPONDENT / THE DIRECTOR OF MINING AND
GEOLOGY**

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

Therefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to take the said Status Report filed by the Joint Committee/3rd Respondent on Record and thus render justice.

Dated at Chennai on this the 5th day of October, 2021



(E.K.Kumaresan)

Counsel for R3

Standing Counsel for State
Government of Kerala

NGT(SZ), Chennai Bench

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

OA No. 124 of 2021 (SZ)

IN THE MATTER OF

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**STATUS REPORT OF THE WORK
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THE DIRECTOR OF MINING AND
GEOLOGY**

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

**STATUS REPORT OF THE WORK DONE BY THE JOINT COMMITTEE
CONSTITUTED AS PER THE DIRECTION OF THE HONOURABLE NATIONAL
GREEN TRIBUNAL IN O.A. No. 124/2021(SZ) IN THE MATTER OF SHRI. SIBI
JOSEPH VS UNION OF INDIA AND OTHERS**

1.0 Preamble

The Hon. ble National Green Tribunal in order dated 10.06.2021 in O.A. No. 124/2021 appointed a Joint Committee comprising of (1) The District Collector, Palakkad or a Senior Officer not below the rank of Assistant Collector, (2) a Senior Officer from the Integrated Regional Office, Ministry of Environment, Forest and Climate Change (MoEF& CC), Bangalore, (3) a Senior Officer from State Environment Impact Assessment Authority (SEIAA), Kerala, (4) a Senior Officer from the Director of Mining and Geology, State of Kerala, (5) a Senior Officer from the Kerala State Pollution Control Board (KSPCB) and (6) a Senior Officer from Central Pollution Control Board (CPCB), Integrated Regional Office, Bangalore, in order to ascertain the violations, if any, committed by the authorities or the respondent quarry owners, viz. M/s. Royal Sands & Gravels Pvt. Ltd. (8th respondent) and M/s. Mary Matha Granites (9th respondent), in procuring quarrying permit, environmental clearance, etc., and the consequential damage caused to the environment on account of the same. The Mining and Geology Department, Government of Kerala, was made the Nodal Agency for coordination and for providing necessary logistics for this purpose.

Accordingly vide proceedings order no. 131/2021-22/5884/M2/2021 dated 29.07.2021, the Director of Mining and Geology constituted a Joint Committee (**Copy enclosed as Annexure 1**) with the following members to inspect the quarries in question and submit a factual as well as action taken report, if violation is found:-

1. Sri. Balpreet Singh IAS
Sub Collector, Palakkad
RDO Office, Palakkad
2. Dr. Murali Krishna, Ph.D
Joint Director/Scientist - D
Ministry of Environment, Forest and Climate Change
Integrated Regional Office, Bangalore
3. Dr. S. Sreekumar
Member, SEAC
State Environment Impact Assessment Authority (SEIAA)

4. Sri. Vinod M.V.
Geologist, District Office Palakkad
Department of Mining and Geology
5. Sri. Krishnan M.N.
Environmental Engineer
Kerala State Pollution Control Board (KSPCB)
District Office, Palakkad
6. Dr. V. Deepesh
Scientist – C
Central Pollution Control Board, Bengaluru

The Honourable National Green Tribunal had ordered the Joint Committee to ascertain the following:-

1. whether any suppression has been made by the 8th and 9th respondent quarry owners and taking piece meal leases for quarrying clandestinely to avoid the stringent procedure for obtaining environmental clearance
2. whether the distance criteria between the different quarries conducted by the 8th respondent, M/s. Royal Sands & Gravels Pvt. Ltd. and the 9th respondent, M/s. Mary Matha Granites, in the same cluster is being maintained.
3. the number of quarries functioning in a cluster with area of operation lesser than 5 hectares in that area.
4. whether any cluster environment impact study has been conducted before issuing the quarrying permit or environmental clearance
5. whether any carrying capacity study has been conducted in respect of number of quarries that can be allowed in a particular area depending upon its ecologically fragile nature, its terrain and other aspects affecting the environment
6. whether any excess or unscientific quarrying has been carried out by the respondents 8 and 9 and if so, what is the nature of damage caused to the environment and if any damage has been caused, assess the damage and environment compensation required for restoring the damage caused to the environment
7. whether the pollution norms have been complied with by the

respondents 8 and 9 in carrying out the quarrying operation envisaged in the environmental clearance as well as in the consent granted and if there is any violation, what is the nature of violation committed and what is the nature of action taken regarding the same

8. to evolve a mechanism to regulate the cluster type management of quarrying and what are all the precautionary steps to be taken for limiting the quarrying that is being operated in a cluster to protect the over exploitation of natural resources and maintain equilibrium of ecology and suggest the modes by which it can be scientifically regulated including conducting carrying capacity study before granting or allowing number of quarrying operations in a particular place.

2.0. Mineral concessions issued to 8th and 9th respondents

2.1. M/s. Royal Sands & Gravels Pvt. Ltd., 8th respondent

The Director of Mining and Geology issued a quarrying lease to the M/s. Royal Sands & Gravels (P) Limited, Plaza Junction, Dhoni. P. O., Palakkad vide Proceedings Order No. 281/2014-15/8473/M3/2014, dated 02/08/2014 executed on 22/08/2014 and valid upto 21/08/2026 to extract and remove 1,00,000 Metric Tonnes of Granite Building Stone per year from an area of 7.0655 Hectares in Survey No. 2/P, 14/P, 15/P, 16/P, in Block No.25 of Akathethara Village of Palakkad Taluk, Palakkad District on submission of the following mandatory documents:

- i. Environmental Clearance, EC No. 160/SEIAA/KL/3490/2013 dated 24/05/2014 issued by the State Environment Impact Assessment Authority valid upto 23/05/2019 and renewed vide proceedings order No. 160/SEIAA/KL/3490/2013 dated 16/02/2019
- ii. Consent from Kerala State Pollution Control Board No. PCB/PLKD/IC/CO-2561/2014 dated 30/11/2017 valid upto 01/12/2023
- iii. Explosive License issued by Petroleum & Explosives Safety Organization vide No. E/SC/KL/22/122 (E61052), dated 07/01/2021 valid upto 31/03/2025
- iv. D& O License issued by Secretary, Akathethara GramaPanchayath vide No. A6-1696/2020-21-55, dated 27/04/2020 valid upto 31/03/2025

The metal crusher unit situated in Survey No.13, 14 in Akathethara Village is registered as Registered Metal Crusher Unit (RMCU) as per the Registration No. 13/2021-22/RMCU/PLKD/3098/M3/2021 dt.

05/03/2021 of the Director of Mining & Geology, Thiruvananthapuram for the financial year 2021-22.

2.2. M/s. Mary Matha Granites, 9th respondent

Director of Mining and Geology issued a quarrying lease to Sri.Sajimon Abraham, Palakkattu house, Kidangoor, P. O., Kottayam vide Proceedings Order No. 120/2010-2011/3355/M3/2010, dated 26/05/2010 and executed on 11/08/2010 valid upto 10/08/2022 to extract and remove 40,000 Metric Tonnes of Granite Building Stone per year from an area of 2.7721 Hectares in Survey No.110/3, 110/1 in Akathethara Village of Palakkad Taluk, Palakkad District on submission of the following mandatory documents:

- i. Consent from State Pollution Control Board No. PCB/PLKD/IC/CO/R3/257/2018 dated 25/05/2018 valid upto 31/06/2022
- ii. Explosive License issued by petroleum & Explosives Safety Organization vide No. E/SC/KL/22/948 (E646292), dated 07/06/2020 valid upto 31/03/2024
- iii. D& O license issued by Secretary, Akathethra Grama Panchayath vide No. A6-1147/2021-22-74, dated 03/04/2021 valid upto 31/03/2022

Later the quarrying lease was transferred to M/s Mary Matha Granites, Dhoni, P.O., Palakkad vide Proceedings Order No. 599/2016-17/9853/M3/2016 dated 17/12/2016 of the Director of Mining and Geology.

The metal crusher unit situated in Survey Nos.117/4, 117/5, of Akathethara Village is registered as Registered Metal Crusher Unit (RMCU) as per the Registration No. 75/2021-22/RMCU/PKD/4078/M3/2021 dt. 26/03/2021 of the Director of Mining & Geology, Thiruvananthapuram for the financial year 2021-22.

3.0 Approach and Methodology Adopted

The Joint Committee conducted its first site visit on 02.09.2021 and another visit on 09.09.2021 and conducted virtual meetings through Google Meet on 08.09.2021 and 22.09.2021. During the Joint Committee inspections, the Members visited the project site along with the complainant and project proponent to ascertain the allegations made in the petition. The team physically verified the geo co-ordinates of all the boundary pillars and compared with that of the approved mining plans.

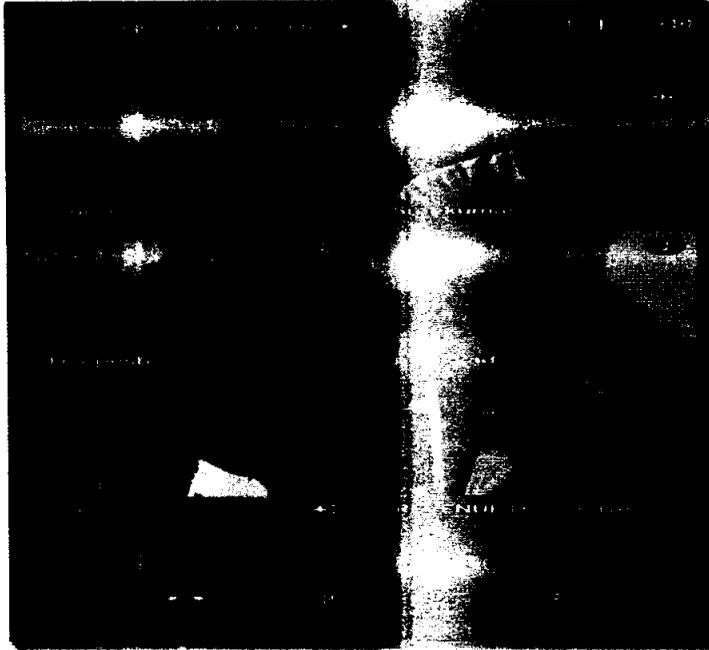


Photo:1--VC of the Joint Committee



Photo: 2&3—First Visit of the Joint Committee



Photo: 4&5-- Second visit of the Joint Committee

4.0 Field inspection and observations

The allegation of quarry clusters in Akathethara Panchayat in Palakkad Taluk is exaggerated and deceiving. There are only two quarries operating with valid quarrying leases and they are situated more than 1 km apart from each other. Prima facie, the tone of the complaint regarding the existence of alleged cluster quarry operations is baseless and misleading.

Allegation of excess and unscientific mining

4.1. M/s. Royal Sands and Gravels Pvt. Ltd.

The petitioner, Sri. Sibi Joseph was heard before the start of inspection. Other nearby residents also expressed their grievances along with the petitioner. Among the grievances they voiced, those directly related to environmental pollution are as follows.

- I. There are natural streams which enter the quarry area. These streams are disturbed by the quarrying activity. Dust and silt from the quarry premises reach the natural streams flowing from the area and polluted

water reaches downstream. Earlier this water was utilized for drinking and bathing but the water has become unusable during the years after quarrying started.

- II. During dry months, air pollution from quarrying area is grave.
- III. Surface runoff from the premises of the crusher adjacent to the quarry is polluted by the presence of dust and silt from the raw materials and products heaped in these premises. This polluted water also reaches downstream.

Then the quarry area was inspected. The important observations are as follows:

- i. One of the conditions of the EC is to maintain bench height not more than 5m and width not less than 5 m. However, proper working benches as insisted in the approved mining plan are not seen in the northern side or in the southwestern side (near the crusher) of the quarry. As per the approved mining plan, there should be 5 working benches in the northern side of the quarry as per the year wise tentative excavation plan.
- ii. Another important specific condition is to limit quarry to the stream on the eastern side and to provide low level check dams to stream for settling of silt. Another condition is to provide garland drain with clarifier in lower slopes to channelize storm water. In the approved mining plan, it is insisted to construct storm water drains with silt trap along the periphery of the pit to divert storm water and not to disturb the existing drainage pattern. As per the minutes of the SEAC 26th meeting held during 20-21st March, 2014 (Item No. 26.26) proponent was also asked to submit affidavit to limit the quarry to the stream in the eastern side to permit unhindered flow of the stream and to provide a low level check dam to trap silt. However, on the day of inspection, three seasonal streams/ drains entering the quarry area from the surrounding hills were ending up in the mine pit and the quarry operations have disturbed the natural course of the seasonal streams and the natural drainage pattern.
- iii. These 3 streams enter the large quarry pit in the area which is being quarried now. From this quarry pit, it is pumped into another quarry pit, called Settling Tank 1, by the proponent. From this pit, it reaches, by gravity, a check dam constructed in concrete. This portion is called Settling Tank 2. The overflow from the check dam reaches a concrete tank, circular in plan, called Settling Tank 3. The proponent claimed

that dust and silt in the water settles down in all these settling tanks. From Settling Tank 3, water flows through a pipe. The pipe is placed under the overburden storage. The overburden is stabilized by planting various plant species. The pipe opens into a pond, called 'kokkarni' in Malayalam, which is named Settling Tank 4. Finally the water from this settling tank overflows into its natural course out of the quarry area.

It was decided to take samples of the influent natural stream, overflow of each settling tank and final outlet later, to ascertain whether any contamination is happening in the quarry area and whether contamination is persisting or not while flowing out of the quarry area.

- iv. One of the natural streams in eastern side directly falling into mine pit designated as settling pond 1 as a small waterfall, has been intentionally concealed by an arrangement of vegetation (creepers) on a coir net. This is a mala fide attempt to conceal/ suppress facts before the regulatory authorities.
- v. On the day of inspection, the quarry was completely stopped and operations were suspended. Under such conditions the joint committee could not assess the issues and pollution from the quarry operations.
- vi. It could be seen that in the present monsoon season, air pollution will be minimal even if quarrying is there, due to continuing rains. Monitoring in a dry climate only can give conclusive evidence of dust emanation. The quarry premises and sides of the haul roads were found fitted with water-sprinklers to suppress dust. The overburden and top soil could be seen in heaps with flattened tops on which plants have been grown to prevent erosion.

4.2. M/s. Mary Matha Granites Pvt. Ltd

The quarry is operating with a valid quarrying lease on 2.7721 Ha and the quarry operations were not scrutinized under the ambit of Environmental Clearance as the quarry is operating without valid Environmental Clearance. The Joint Committee member from MoEF & CC opined that in view of the Honourable NGT order dated 13.01.2015 in OA No. 123 of 2014 and MA No. 419 of 2014 all existing mining leases irrespective of size should have obtained valid Environmental Clearance from 12.07.2015 onwards. But the particular lease was granted on 26/05/2010, that is,

prior to the judgment dated 27.02.2012 of the Honourable Supreme Court of India in Deepak Kumar vs. State of Haryana [(2012) 4 SCC 629] and hence the quarry can operate without Environmental Clearance. The requirement of Environmental Clearance would arise only while seeking renewal of mineral concession. The Division Bench of the Honourable High Court of Kerala in WPC No. 31148/2014(S)(All Kerala River Protection Council vs. State of Kerala) has stated in Paragraph 82(i) of the judgment that

In case where quarrying/mining/lease which were existing on the date of issuance of Notification dated 14.09.2006 or on the date of issue of the order dated 18.05.2012 by the Government of India, Ministry of Environment and Forests with regard to area less than 5 hectares no environmental clearance with regard to extraction of minor mineral is required. Notification dated 14.09.2006 contemplated obtaining environmental clearance only with regard to new projects/new activities

The Honourable High Court of Kerala has reiterated the aforesaid observation in several other writ petitions thereby affirming that insistence of Environmental Clearance does not apply to the leases granted prior to Deepak Kumar vs. State of Haryana [(2012) 4 SCC 629].

The petitioner, Sri. Sibi Joseph, and nearby residents were heard at this site also before quarry inspection. Among the grievances they voiced, those directly related to environmental pollution were as follows:-

- I. Dust and silt from the quarry premises reaches the natural streams flowing from the area and polluted water reaches downstream.
- II. During the dry months, air pollution from quarrying area is grave.
- III. Surface runoff from the premises of the crusher adjacent to the quarry is polluted by the presence of dust and silt from the raw materials and products heaped in these premises. This polluted water also reaches downstream.

Then the quarry area was inspected. The important observations are as follows:

- i. Proper bench height and width as insisted in the approved mining plan is not maintained in the quarry.
- ii. 7.5m buffer area is not maintained from the boundary pillars of the quarry area. Proper green belt is not maintained in the buffer area. On

- the day of inspection, freshly planted trees/ plants/ sapling were observed on the boundary of the quarry area.
- iii. The contour map of the area was referred and the lower portion through which the runoff from the area flows out was identified. At the point, it was seen that a kuchcha drain has been made which takes the water to an abandoned quarry-pit.
 - iv. On the day of inspection, seasonal streams/ drains/ runoffs/ storm water were detected as ending up in the mine pit and the quarry operations have disturbed the natural drainage pattern. The overflow of the mine pit is being discharged to the adjacent land where it gets settled into natural depressions.
 - v. On the day of inspection, the quarrying operations were completely stopped and activities suspended. Under such conditions the joint committee could not assess the issues and pollution from the mining/quarry operation.

On the next day, 03.09.2021, the influent stream, settling tanks and outflow from the quarry of M/s. Royal Sands and Gravels were sampled. The outflow from the quarry of M/s. Mary Matha Granites was also sampled. The samples are being analysed in District Laboratory and Central Laboratory of the Pollution Control Board at Palakkad and Ernakulam, respectively. The water analyses reports from KSPCB are awaited.

5.0. Remarks of the Joint Committee

The findings of the Joint Committee based on the observations made during physical inspection of the quarry sites and records made available by various authorities and project proponents are given below:-

Sl. No	Questions raised by NGT	Remarks of the Joint Committee
1	Whether any suppression has been made by the respondents 8 and 9 and taking piece meal leases for quarrying clandestinely to avoid the stringent procedure for obtaining environmental clearance?	The Joint Committee noted that the Director of Mining and Geology had granted Quarrying Leases only for four quarries at Akathethara Panchayat in Palakkad Taluk and out of which quarrying leases of two quarries have been expired and currently only two quarries, namely, M/s. Royal Sands and

Gravels Pvt. Ltd (7.0655 Ha) and M/s. Mary Matha Granites Pvt. Ltd (2.7721 Ha) have valid quarrying leases for undertaking quarrying operations.

The Joint Committee noted that of the two operating quarries only M/s. Royal Sands and Gravels Pvt. Ltd has a valid Environmental Clearance (EC) obtained from State Environmental Impact Assessment Authority (SEIAA), Kerala on 24.05.2014 for an extent of 9.3928 Ha. M/s. Mary Matha Granites was found to be operating with valid quarrying lease issued on 11.08.2010 valid up to 10.08.2022 for an area of 2.7721Ha but the same quarry is operating without Environmental Clearance (EC).

The quarrying lease of M/s. Mary Matha Granites was granted on 26/05/2010, that is, prior to the judgment dated 27.02.2012 of the Honourable Supreme Court of India in Deepak Kumar vs. State of Haryana [(2012) 4 SCC 629] and hence the quarry can operate without Environmental Clearance. Based on the directions of the Honourable Supreme Court of India in Deepak Kumar vs. State of Haryana [(2012) 4 SCC 629] and the Division Bench of the Honourable High Court of Kerala in WPC No. 31148/2014(S)(All Kerala River Protection Council vs. State of Kerala), the requirement of Environmental Clearance would

		<p>arise only while seeking renewal of mineral concession.</p>
2	<p>Whether the distance criteria between the different quarries conducted by the respondents 8 and 9 in the same cluster is being maintained</p>	<p>The Joint Committee noted that in Akathethara Panchayat in Palakkad Taluk only two quarries are operating and that the aerial distance between the two quarries is more than 1 KM. Copy of the Google Earth Image is enclosed as Annexure2.</p> <p>The Joint Committee also examined the Certificate issued by the Department of Mining and Geology dated 26.07.2021 wherein it has been clarified that within 1 km radius of M/s. Mary Matha Granites Ltd. no other quarry exists and accordingly Joint Committee has concluded that distance criteria between two existing quarries is maintained and no cluster mining is existing in the region.</p>
3	<p>How many numbers of quarries are functioning in a cluster with area of operation lesser than 5 hectares in that area</p>	<p>The Joint Committee noted that in Akathethara Panchayat of Palakkad Taluk only two quarrying leases exist, of which lease area of M/s. Mary Matha Granites is 2.7721 Ha and that of M/s. Royal Sands and Gravels Pvt. Ltd is 7.0655 Ha.</p>

4	Any cluster environment impact assessment study has been conducted before issuing the quarry permit or environment clearance	The Joint Committee after ascertaining the factual situation has concluded that since no cluster situation is existing in the region, the requirement of undertaking any environmental impact assessment study is not present as per EIA Notification, 2006 and its subsequent amendments.
5	Whether any carrying capacity study has been conducted in respect of number of quarries that can be allowed in a particular area depending upon its ecologically fragile nature, its terrain and other aspects affecting the environment	The Joint Committee noted that no specific carrying capacity studies have been conducted by any agency to ascertain the likely damages that could be caused due to mining operations in the region as no cluster mining situation exists in the region.

<p>6</p>	<p>Whether any excess or unscientific quarrying has been carried out by the respondents 8 and 9 and if so, what is the nature of damage caused to the environment and if any damage has been caused, assess the damage and environment compensation required for restoring the damage caused to the environment</p>	<p>In both quarries, mining is not carried out as per the approved mining plans and it is evident that benches are not maintained in the quarry pits as per the approved mining plans. The boundary pillars were plotted in the latest Google map to check deviations made in the mining. From the plotting on Google map it is found that the quarry area of M/s. Royal Sands and Gravels Pvt. Ltd. is slightly greater than the area in the original mining plan. This has to be verified physically. Likewise the quarry area of M/s. Mary Matha Granites is also to be verified physically. For this a detailed total station survey is essential. Only then the real picture of the violation, if any, can be obtained. Survey works are being carried out by the Revenue Department. Copy of the Google Earth Images are enclosed as Annexures 3&4.</p>
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<p>7</p>	<p>Whether the Pollution norms have been complied with by the respondents 8 and 9 in carrying out the quarrying operation envisaged in the environmental clearance as well as in the consent granted and if there is any violation, what is the nature of violation committed and what is the nature of action taken regarding the same.</p>	<p>The natural streams are to be left undisturbed and protected from mining operations. As per the EC and lease conditions, these streams are to be diverted by proper garland drains. At present the natural streams are ending up in the quarry pit.Both the quarries were not operating on the day of Joint Committee inspection and accordingly no air pollution or noise pollution were noted on the day of inspection. Samples collected by Pollution Control Board from the quarry site area are being analysed.The results and inferences based on the analyses shall be included in the final report.</p>
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<p>8</p>	<p>The committee is also directed to evolve a mechanism to regulate the cluster type management of quarrying, if not already issued so as to protect environment and what are all the precautionary steps to be taken for limiting the quarrying that is being operated in a cluster to protect the over exploitation of natural resources and maintain equilibrium of ecology and suggest the modes by which it can be scientifically regulated including the conducting the carrying capacity study before granting or allowing number of quarrying operation in a particular place.</p>	<p>The Joint Committee suggests that prior to issue of Environmental Clearance to quarries/ mines, a cluster certificate from the District Geologist, and Village/Panchayat concerned may be obtained by the project proponent to ascertain the factual situation and to understand the requirement of undertaking any environmental impact assessment study in the region.</p>
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Remaining work

In order to ascertain whether the lease holders have extracted more Granite Building Stone than the permitted quantity, detailed survey of the quarry areas is essential. The Revenue Department is carrying out the survey works. Only after assessing the quantity of granite mined through survey, a realistic picture of the quantity of mineral excavated can be arrived at. If it is found that excess mineral has been mined, then the Joint Committee would try to assess the nature of damage caused to the environment, and accordingly determine environmental compensation required for restoring the damage caused, if any, to the environment. Further, the water analyses result of the samples collected from the quarries are also required to determine whether there is any pollution or not due to heavy metals or any other compounds in the area as a result of quarrying and accordingly to suggest appropriate remedial measures. The final report of the Joint Committee shall be submitted as soon as the survey works are over and after arriving on a decision as to whether any environmental damage or any

excess mining has been done or not, due to the quarrying operations.

Signature Not Verified
Digitally signed by S.HARIKISHORE IAS
Date: 2021.10.04 11:14:41 IST
Reason: Approved

S. HARIKISHORE IAS
DIRECTOR

By. ⁽²⁴⁾ E-mail. sent on 29/07/2024

ANNEXURE 1

PROCEEDINGS OF THE DIRECTOR OF MINING AND GEOLOGY

(Present: Sri. Inbasekar.K IAS)

Sub: Department of Mining and Geology - Order of the Honourable National Green Tribunal in OA No. 124/2021(SZ) - Constitution of Joint Committee - Orders issued

Ref: Order dt. 10/06/2021 in OA No. 124/2021 of the Honourable National Green Tribunal

No.131/2021-22/5884/M2/2021 Thiruvananthapuram, dt. 29/07/2021

ORDER

As per reference cited above the Honourable National Green Tribunal has appointed a Joint Committee in order to ascertain the violations, if any, committed by the authorities or the respondent quarry owners, viz. M/s. Royal Sands & Gravels Pvt. Ltd. (8th respondent) and M/s. Mary Matha Granites (9th respondent), in procuring the quarrying permit, environmental clearance, etc., and the consequential damage caused to the environment on account of the same. The Joint Committee shall comprise of (1) The District Collector, Palakkad or a Senior Officer not below the rank of Assistant Collector, (2) a Senior Officer from the Integrated Regional Office, Ministry of Environment, Forest and Climate Change (MoEF & CC), Bangalore, (3) a Senior Officer from State Environment Impact Assessment Authority (SEIAA), Kerala, (4) a Senior Officer from the Director of Mining and Geology, State of Kerala, (5) a Senior Officer from the Kerala State Pollution Control Board (KSPCB) and (6) a Senior Officer from Central Pollution Control Board (CPCB), Integrated Regional Office, Bangalore.

In this context, a Joint Committee with the following members is constituted in compliance with the order of the Honourable National Green Tribunal in OA No. 124/2021 to inspect the quarries in question and submit a factual as well as action report, if violation is found:-

- 1 Sri. Balpreet Singh IAS
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- 3 Dr. S. Sreekumar
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In obedience to the order cited in the reference above, the Joint Committee has to ascertain the following and submit the report to the Honourable National Green Tribunal on or before 02/08/2021:

- 1 Whether any suppression has been made by the respondents 8 and 9 and taking piece meal leases for quarrying clandestinely to avoid the stringent procedure for obtaining environmental clearance.
- 2 Whether the distance criteria between the different quarries conducted by the respondents 8 and 9 in the same cluster is being maintained.
- 3 How many number of quarries are functioning in a cluster with area of operation lesser than 5 hectares in that area.
- 4 Whether any cluster environment impact study has been conducted before issuing the quarrying permit or environmental clearance.
- 5 Whether any carrying capacity study has been conducted in respect of number of quarries that can be allowed in a particular area depending upon its ecologically fragile nature, its terrain and other aspects affecting the environment.
- 6 Whether any excess or unscientific quarrying has been carried out by the respondents 8 and 9 and if so, what is the nature of damage caused to the environment and if any damage has been caused, assess the damage and environment compensation required for restoring the damage caused to the environment.
- 7 Whether the pollution norms have been complied with by the respondents 8 and 9 in carrying out the quarrying operation envisaged in the environmental clearance as well as in the consent granted and if there is any violation, what is the nature of violation committed and what is the nature of action taken regarding the same.



- 8 To evolve a mechanism to regulate the cluster type management of quarrying and what are all the precautionary steps to be taken for limiting the quarrying that is being operated in a cluster to protect the over exploitation of natural resources and maintain equilibrium of ecology and suggest the modes by which it can be scientifically regulated including conducting carrying capacity study before granting or allowing number of quarrying operations in a particular place.

Smt.Priya Mohan, Geologist (Mob.9447450432) will be the Co-ordinator of the joint committee from the Directorate of Mining and Geology .

The Joint Committee may send its study report to the Director, Department of Mining & Geology and Nodal Agency for coordination, for final consolidation and submission of the report before the Honourable National Green Tribunal.

(Sd)

Inbasekar.K IAS

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By order

[Handwritten Signature]
29/07/2021
Senior Superintendent