

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI

ORIGINAL APPLICATION NO. 124 OF 2021

Sibi Joseph : Applicant

v.

Union of India and others : Respondents

AFFIDAVIT FILED BY RESPONDENT NO. 8

I, Mohammad Fazeel T. A., aged 43 years, S/o T. H. Abdul Salam, Managing Director, M/s Royal Sands and Gravels Pvt. Limited, Plaza Junction, Dhoni P. O., Palakkad, Kerala – 678 009 presently residing at Theparambil House, Thrithalloor West P. O., Vadanappilly, Thrissur district, Kerala – 680 619 do hereby solemnly affirm and state as follows:

I am the Managing Director of the Petitioner company and is competent to swear this affidavit.

It is respectfully submitted that this Hon'ble Tribunal, while considering The Joint Committee report dated 12.07.2022, had directed this Respondent to file an affidavit with respect to the particular observation made in the joint committee in in page number 10 the report, which reads as follows:



For Royal Sand and Gravels PVT.LTD.
M. F. T. A.
Managing Director

“v) one of the natural streams in the 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 malafide attempt to conceal/supress facts before the regulatory authorities.”

This Respondent most respectfully submits that contrary to what has been observed in the report, there has been no attempt whatsoever on the part of this Respondent to conceal or to suppress any material fact from the regulatory authorities. This position can be seen from as early as with the Environmental Clearance issued in 2014, where the stream on the eastern side has been specifically noted at page No. 2 of the Environmental Clearance [Annexure R8 (4)/4]. The regulatory authority had not only taken note of the stream on the Eastern side but had also limited the quarry to the stream.

The stream flows into what is called as the settling pond - 1 and it further passes through various stages to flow out of the premises of this Respondent. Ironically, Report of the Joint Committee also confirms that this stream is flowing unhindered to the settling pond - 1.

It is respectfully submitted that it is humanely impossible to conceal or suppress the presence of a stream like the one on the Eastern side which, as stated earlier, finds mention in the most basic document relating to the quarry of this Respondent viz., the Environmental Clearance. Any regulatory authority who even glances through the Environmental Clearance would be first looking on the stream in the Eastern side.



For Royal Sand and Gravels PVT.LTD.
M. Anwar
Managing Director

Moreover, even in the reply statement dated 05.10.2021 filed in the above Original Application, this Respondent has specifically mentioned about this stream on the Eastern side of the quarry (at page number 20 of Volume 1 of the reply statement). A photograph of the same has also been produced as Annexure R8 (33) at page number 369 of Volume 2).

It is true that an arrangement of vegetation (creepers) on a coir net was laid over the said stream. The same is now completely removed. It is most respectfully submitted that such an action was taken by this Respondent to prevent wild elephants from the nearby forest land sighting the stream and thereby getting drawn to the quarry area. There was a genuine apprehension on the part of this Respondent that on seeing a stream of this nature, wild elephants may come towards it. Given the fact that the stream is on a downward slope and falls into a settling pond 1 filled with water, there was also real possibility of elephants slipping and falling from a reasonable height, which may prove detrimental to them.

It is respectfully submitted that this Respondent only wanted to avoid unnecessary mishaps and took the aforesaid measure in the interest of the animals from the forest, especially elephants. The coir net spread with creepers did not hinder the free flow of the stream in any manner but only covered the exposed portion of the stream to avert any mishaps to the animals by coming into the quarry area or slipping and falling into the settling pond. In any event, the coir net has now been completely removed in the light of the adverse observations made in the report of the Joint Committee.



For Royal Sand and Gravels PVT.LTD.
[Handwritten Signature]
Managing Director

This Respondent most respectfully prays for this Hon'ble Tribunal to take this affidavit and its contents on record and consequently exonerate this Respondent from the present proceedings and thus render justice.

All facts stated above are true and correct to the best of my knowledge, information and belief.



For Royal Sand and Gravels PVT.LTD.
Mohammed Fazeel T. A.
Managing Director

Mohammed Fazeel T. A.
Managing Director
M/s Royal Sand & Gravels Pvt. Ltd.
8th Respondent

Solemnly affirmed and signed before me by the deponent who is personally known to me in my office at Ernakulam on this the 14th day of February 2023

A handwritten signature in blue ink, appearing to read "Adv. Mohammed Sadique T. A." with a stylized flourish.

Adv. Mohammed Sadique T. A.
Counsel for 8th Respondent