



भारत सरकार / GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
एकीकृत क्षेत्रीय कार्यालय, बेंगलुरु / INTEGRATED REGIONAL OFFICE, BANGALORE

4th Floor, E & F- Wings, Kendriya Sadan, 17th Main Road,
II Block, Koramangala, Bangalore- 560 034

URGENT: COURT MATTER

By E-Mail and Speed Post

File No. EP/12.7/72/NGT/KER/ 1291

19.01.2022

To,
Shri. S. Hari Kishore, IAS
Director,
Directorate of Mining and Geology,
Kesavadasapuram, Pattom Palace P.O.,
Thiruvananthapuram- 695 004
Kerala, India (E-mail: director.dir.dmg@kerala.gov.in)

Sub: Inputs/ Independent Response of Member Representative of MoEF&CC, Integrated Regional Office, Bangalore to the Nodal Agency for submission of the Joint Committee Report to Hon'ble NGT in OA No. 124 of 2021 filed by Shri. Sibi Joseph Vs Union of India and Others—Reg

Ref: Orders of Hon'ble NGT dated 10.06.2021 and 29.10.2021

Sir,

As you are kindly aware, Hon'ble NGT in OA No. 124 of 2021 directed constitution of a Joint Committee for submission of a Joint Committee Report through Nodal Agency (The Directorate of Mining and Geology), which is yet to be filed by the Nodal Agency. Further, the Hon'ble NGT vide its Order dated 29.10.2021 has directed all the Members of the Joint Committee also to file their independent response along with the Joint Committee Report. Accordingly, in compliance to the Orders of Hon'ble NGT dated 29.10.2021, I am herewith enclosing the comments of Member representative of MoEF&CC, Integrated Regional Office, Bangalore for your kind perusal and needful.

2. Directorate of Mining and Geology being the Nodal Agency for filing of Joint Committee Report in this case, you are once again kindly requested to ensure timely filing of Joint Committee Report also with consensus of all the Members to Hon'ble NGT as the same has not been filed yet.

3. This issues with the approval of Competent Authority.

Yours sincerely,

(Dr. Murali Krishna)

Additional Director (S)/ Scientist-E

Encl: a/a

Copy to:

1. All the Members of the Joint Committee in OA No. 124 of 2021
2. Shri. Syed Nurullah Sheriff, Advocate on Record, Central Government Counsel for MoEF&CC

REPORT OF THE REPRESENTATIVE OF MINISTRY OF ENVIRONMENT, FOREST, AND CLIMATE CHANGE (MOEF&CC), INTEGRATED REGIONAL OFFICE, BANGALORE AS PART OF THE JOINT COMMITTEE CONSTITUTED AS PER THE DIRECTION OF THE HON'BLE NATIONAL GREEN TRIBUNAL IN O.A.NO. 124/2021(SZ) OF SHRI. SIBI JOSEPH VS UNION OF INDIA

PREAMBLE

The Hon'ble National Green Tribunal (NGT) vide its order dated 10.06.2021 in OA 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 with the following members to inspect the quarries in question and submit a factual as well as action taken report, if violation is found:

S. No	Name	Designation and Organization
1	Shri. Balpreet Singh IAS	Sub Collector, Palakkad, RDO Office, Palakkad
2	Dr. Murali Krishna, Ph.D	Additional Director/ Scientist-E Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Bangalore
3	Dr. S. Sreekumar, Ph.D	Member, SEAC State Environment Impact Assessment Authority (SEIAA), Kerala
4	Shri. Vinod M.V.	Geologist, District Office Palakkad Department of Mining and Geology
5	Shri. 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

Dr. Murali Krishna

STATUS OF THE JOINT COMMITTEE REPORT

- 1) Pursuant to constitution of the Joint Committee, site inspections were conducted twice on 02.09.2021 and 09.09.2021 and the Joint Committee also met twice through video conference on 08.09.2021 and again on 22.09.2021 to discuss the Joint Committee Report for filing in Hon'ble NGT.
- 2) The Draft Report of the Joint Committee was discussed again on 22.09.2021 and comments of all Members communicated to Nodal Agency, Director of Mining and Geology on 23.09.2021 with a request to file Status Report and Final Report before Hon'ble NGT.
- 3) However, DMG (Nodal Agency) instead of filing in Hon'ble NGT have forwarded the Report of the Joint Committee for comments to AG, Kerala and pursuant to that independent report was filed by DMG, Kerala instead of Joint Committee Report without obtaining signatures of all the Members.
- 4) Hon'ble NGT vide its Orders dated 29.10.2021 directed all the Members to file their independent response in case majority of the Members have a dissenting opinion and the Joint Committee Report to be filed by the Nodal Agency.
- 5) During the vide-conference meeting, DMG informed the Joint Committee that a detailed Survey needs to be conducted for ascertaining the excess mining or environmental damage caused (if any due to mining activities) and on 18.01.2022 informed the Joint Committee that a detailed survey has been conducted and outcome of the report shared with other Members (**Enclosed as Annexure-1**).

The Hon'ble National Green Tribunal had ordered the Joint Committee to ascertain the following points and since there is no consensus arrived till date on filing of a Joint Committee Report, the inputs of the representative of MoEF&CC, Integrated Regional Office, Bangalore are as detailed below:

S. 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?	<p>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.</p> <p>The Joint Committee noted that of the two operating quarries only M/s. Royal Sands and Gravels Pvt. Ltd has a valid Environmental Clearance</p>

ch. P. Radhikrishna

(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 and valid upto 10.08.2022 for an area of 2.7721 Ha but the same quarry is operating without Environmental Clearance (EC).

Accordingly, it is submitted that considering the Order of Hon'ble NGT dated 27.05.2021 in OA No. 244 of 2017 (Shefy Joseph Vs MoEF&CC), the quantity of building stone material extracted from 15.01.2016 till date or till the date of closure of mining operations is illegal and unauthorised and accordingly, liable to pay environmental compensation for the quantity of minerals mined from 15.01.2016 and the same needs to be assessed by The Directorate of Mining and Geology (DMG), Government of Kerala.

Based on the independent report submitted by the Director of Mining and Geology, it is noted that DMG has assessed that 61664 MT of material has been extracted illegally from outside the lease area as on 16.10.2021 and appropriate steps to realise the penalty for illegal extraction of Granite Building stone from the lease holder to be initiated immediately by the District Geologist, Palakkad as per the Rule 108(2) of Kerala Minor Mineral Concession Rules 2015.

In view of the above, the Hon'ble NGT may consider issuing suitable directions to The Directorate of Mining and Geology (DMG), Government of Kerala for recovery of damages/ excess material mined from outside the lease area/ without having valid Environmental Clearance from 15.01.2016.

Ch. Purali Krishna

2	Whether the distance criteria between the different quarries conducted by the respondents 8 and 9 in the same cluster is being maintained	<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.</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	How many numbers of quarries are functioning in a cluster with area of operation lesser than 5 hectares in that area	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.
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 required 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.
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	Based on the inputs provided by the Directorate of Mining and Geology after the detailed survey it is to note that M/s. Royal Sands and Gravels Pvt. Ltd has extracted granite building stone from the lease area as on 15.11.2021 is only 5,87,294 MT against a

Ch. P. K. K. K.

	<p>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>permitted quantity of 18,00,000 MT till March 2022 (i.e., 32.62 % of the permitted quantity only has been extracted from the lease area) and no excess mining or mining outside the lease area has been conducted.</p> <p>In case of M/s. Mary Matha Granites, it was reported by DMG that 15,46,065 MT of material was extracted from lease and also from outside the lease area against a permitted quantity of 14,84,401 MT as on 16.10.2021 (i.e., 61,664 MT of material has been extracted from outside the lease area) and DMG has initiated appropriate action for recovery of the same.</p> <p>Further, considering the Order of Hon'ble NGT dated 27.05.2021 in OA No. 244 of 2017 (Shefy Joseph Vs MoEF&CC), the quantity of building stone material extracted from 15.01.2016 till date or till the date of closure of mining operations is illegal and unauthorised and accordingly, liable to pay environmental compensation for the quantity of minerals mined from 15.01.2016 and the same needs to be assessed by The Directorate of Mining and Geology (DMG), Government of Kerala.</p>
7	<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 Joint Committee noted that M/s. Royal Sands and Gravels which had a valid EC was complying with of the EC conditions and the seasonal nalas that were noted during the visit were being let into rainwater harvesting pit. Verification of half yearly compliance reports and monitoring results of ambient air, water and noise monitoring reports indicated all the values to be within stipulated norms.</p> <p>However, the results of water samples collected by Central Pollution Control Board (CPCB) and Kerala State Pollution Control Board (KSPCB) on the day of inspection have not been received by the Joint</p>

Ch. P. Anand Krishna

		<p>Committee and the same would be submitted by the respective agencies in their individual reports.</p> <p>In case of M/s. Mary Matha Granites, the Integrated Regional Office has not received any half yearly compliance reports as they were operating the quarry without a valid EC from 15.01.2016 onwards and hence no inputs to provide regarding the compliance and this is a case of violation and accordingly, quantity of material extracted from 15.01.2016 onwards to be treated as illegal and damages to be recovered by DMG, Kerala.</p>
8	<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>It is opined 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 and the same to be submitted along with Form-1 to State Environmental Impact Assessment Authority (SEIAA).</p>



Dr. Murali Krishna Chimatà
Additional Director (S)/ Scientist-E
MoEF&CC, IRO Bangalore

**REPORT SUBMITTED BY THE DIRECTOR OF MINING AND
GEOLOGY BEFORE THE HONOURABLE NATIONAL GREEN
TRIBUNAL IN O.A NUMBER 124/2021, (SOUTH ZONE).**

As per the directions of Honourable National Green Tribunal in the order dated 10-06-2021, in O.A No. 124/2021, this respondent had issued proceedings order No. 131/2021-22/5884/M₂/2021 dated 29.07.2021 constituting a joint committee. The Joint committee had inspected the site in the presence of petitioners and had submitted a status report. In order to ascertain whether the lease holders had extracted excess Granite building stone than the permitted quantity a detailed survey of the quarries were conducted by the Taluk surveyor, Palakad and Surveyors from office of the deputy director of survey Palakad and the District Geologist of Department of Mining & Geology Palakad.

Details of quantity of Granite Building stone extracted from M/s Royal Sands and Gravels Pvt. Ltd , 8th respondent

The Director of Mining and Geology issued a quarrying lease to M/s Royal Sands and Gravels Pvt .Ltd , Plaza Junction, Dhoni, P.O, Palakkad vide proceedings order number 281/2014-15/8473/M3/2014 dated 02/08/2014 to extract and remove Granite Building stone from an area of 7.0655 Hectors in Survey No.2/P, 14/P, 15/P, 16/P in Block Number 25 of Akathethara Village, Palakkad Taluk, Palakkad District.

A detailed survey has been conducted in the lease area from 18/10/2021 to 15/11/2021 to ascertain the total quantity of Granite Building Stone extracted from the lease area. On survey it is seen that mining activities are conducted in the permitted lease area only. Boundary pillars in the field were verified during the survey and seen that all are similar to the boundary points as per the survey sketch. As per the approved mining plan the total quantity that can be extracted from the lease area up to March 2022 is 1800000 MT(300000 MT per year). As per the survey the total quantity of granite building stone extracted from the lease area as on 15/11/2021 is calculated as 625000 MT. As per the mining plan no excess extraction of Granite Building Stone is noticed in the quarry. As per records the total production of Granite Building Stone from the lease area as on 15/11/2021 is 587294 MT.

Details of quantity of Granite Building stone extracted from 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

number 120/2010-2011/3355/M3/2010 dated 26/05/2010 to extract and remove Granite Building Stone from an area of 2.7721 Hectors in Survey No. 110/3, 110/1 in Akathethara Village of Palakkad District and later the quarrying lease was transferred to M/s Mary Matha granites Dhoni P. O, Palakkad on 17/12/2016.

A quantity of 312455 MT of granite building stone was already extracted from the area before granting of quarrying lease. Mining activities as per the lease commenced on September 2010. The lease holder had submitted a mining plan on 30/01/2016 as per Kerala Minor Mineral Concession rule 2015.

The total quantity of granite building stone extracted from the lease before the preparation of mining plan was 884375 MT. The total mineable reserve estimated in the mining plan for the remaining years of quarrying lease is 1467405 MT.

A detailed survey has been conducted in the lease area from 07/10/2021 to 16/10/2021 to ascertain the total quantity of Granite Building Stone extracted from the lease area. During the survey it was found that extraction of granite building stone has been carried out from outside the lease area also. As per the survey the total quantity of granite building stone extracted from the lease area and outside the lease area is calculated as 1546065 MT. As per records the quantity of granite building stone permitted for extraction up to 16/10/2021 is 1484401 MT only.

Hence the excess quantity of Granite Building stone extracted from and outside the lease area as on 16/10/2021 is calculated as 61664 MT.

Steps to realise the penalty for illegal extraction of Granite building stone from the lease holder shall be initiated immediately by the District Geologist Palakkad, Department of Mining & Geology, as per the rule 108(2) of Kerala Minor Mineral Concession Rules 2015.



S. HARIKISHORE IAS

DIRECTOR Director of Mining
and Geology