

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

JOINT COMMITTEE REPORT

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Dated at Chennai on this the 12th day of July 2022.

M/s. E.K.KUMARESAN

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

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REPORT OF THE JOINT COMMITTEE CONSTITUTED AS PER THE DIRECTIONS 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

A. PREAMBLE

The Honourable National Green Tribunal in order dated 10.06.2021 inOA 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 Exhibit 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. Smt.Amirthavalli D.	Revenue Divisional Officer, RDO Office, Palakkad.
2. Dr. Murali Krishna	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, Regional Directorate, 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.

B. MINERAL CONCESSIONS ISSUED TO 8TH AND 9TH RESPONDENTS.

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 Grama Panchayath vide No. A6-1696/2020-21-55, dated 27/04/2020 valid upto 31/03/2025
- v. 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. 27/2022-23/RMCU/PLKD/1105/M3/2022 dated 30/03/2022 of the Director of Mining & Geology, Thiruvananthapuram for the financial year 2022-23.

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 up to 31/07/2022.
- ii. Explosive License issued by petroleum & Explosives Safety Organization vide No. E/SC/KL/22/948 (E646292), dated 07/06/2020 valid up to 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 up to 31/03/2022 and renewed vide No.A3-712/22-A3-713/22 Dated 01.04.2022 valid up to 10.08.2022.

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. 25/2022-23/RMCU/PLKD/1237/M3/2022 dated 30/03/2022 of the Director of Mining & Geology, Thiruvananthapuram and valid from 01.04.2022 to 10.08.2022.

C. APPROCH AND METHODOLOGY ADOPTED

The Joint Committee conducted its first site visit on 02.09.2021 and another visit on 09.09.2021 and conducted a virtual meeting 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.

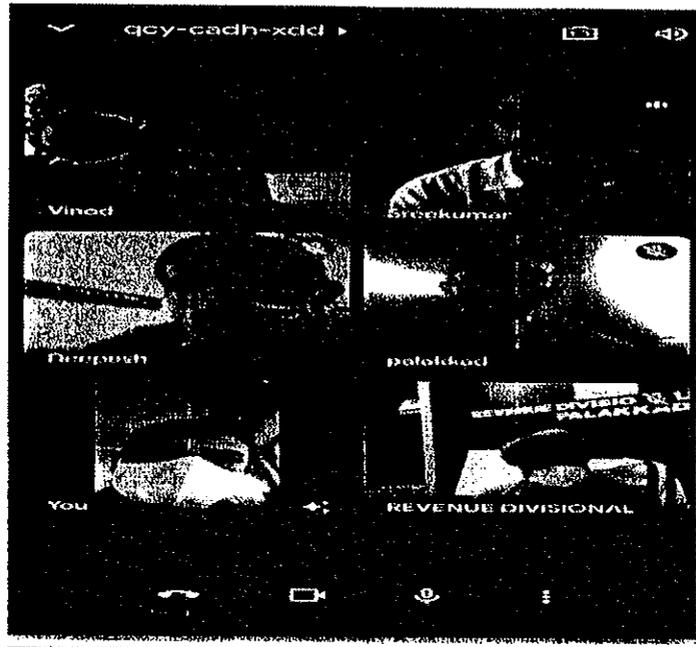


Photo:1--VC of the Joint Committee



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



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

D. ALLEGATIONS 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.

Later on the day of inspections, the public insisted that the committee should visit nearby residences to assess the structural damages and cracks developed in some of the buildings/ houses in the vicinity of both the quarries. Committee visited several houses and took note of the alleged cracks and other structural damages which the public relates to the blast induced vibrations from the quarries.

1. Allegation of excess and unscientific mining of two quarries

a. 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.

- iv) 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.
- v) 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.
- vi) 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.
- vii) 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.

b. 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. In compliance with the judgments of the Honourable High Court of Kerala in WP(C) No. 31148/2014(S) and WP(C) No.39548/2016(P), the Department of Mining and Geology has not insisted Environmental Clearance from holders of quarrying leases, with land area less than 5 Ha, which were granted prior to the judgment dated 27.02.2012 of the Honourable Supreme Court of India in Deepak Kumar vs. State of Haryana. Since the lessee has a valid quarrying lease till August 2022, the requirement of Environmental Clearance will arise only while seeking renewal. 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.

Sampling and analysis of water

On 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. Total suspended solids (TSS), total dissolved solids (TDS), chemical oxygen demand (COD) pH, electrical conductivity (EC), calcium, sodium, potassium, silica, copper, iron, manganese, nickel, lead, zinc and sodium absorption rate (SAR) were analyzed in these samples. The results of analysis are given in Table 1(a) and 1(b).

Table 1(a)- Water Quality Characteristics of samples from Royal Sand and Gravel

Date of Sampling: 03-09-2021

Sample Code	PAS 3318/ 1	PAS 3318/ 2	PAS 3318/ 3	PAS 3318/ 4	PAS 3318/ 5	PAS 3318/ 6	PAS 3318/ 7
Station Name	Natural	Quarry Pit	Settling Tank	Settling Tank II	Settling Tank III	Pipe Outlet	Final Outlet

	Stream		I			t	t
pH	7.12	7.18	7.25	7.22	7.24	7.18	7.32
EC,µS/cm	49.3 1	88.5 2	88.0 2	85.11	85.53	92.6	132. 3
TDS,mg/L	32	57	56	54	55	59	85
TotalSuspendedSolids, mg/L	8	25.2	12.1	BDL	BDL	BDL	BDL
COD,mg/L	BDL	BDL	BDL	BDL	BDL	BDL	BDL
Calcium, mg/L	2.4	8	6.4	6.4	6.4	6.4	16.8
Sodium, mg/L	3.97	4.18	4.21	4.27	4.56	4.53	4.86
Potassium,mg/L	0.48	2.39	2.55	2.52	2.59	2.51	2.2
Silica,mg/L	36.3	26.6 2	29.3 8	28.95	30.68	28.5 2	35.8 6
Copper,mg/L	0.06	0.06	0.13	0.12	0.1	0.11	0.11
Iron, mg/L	0.23	0.71	1.11	1.29	1.31	0.9	1.12
Manganese,mg/L	0.05	0.09	0.14	0.12	0.11	0.18	0.17
Nickel,mg/L	BDL	BDL	BDL	BDL	BDL	BDL	BDL
Lead, mg/L	BDL	BDL	BDL	BDL	BDL	BDL	BDL
Zinc,mg/L	0.02	0.03	0.06	0.05	0.08	BDL	0.1
SAR	0.28	0.32	0.31	0.33	0.29	0.33	0.25

Table1-(b) Water Quality Characteristics of samples from Mary Matha Granites
Date of Sampling: 03-09-2021

SampleCode	PAS 3317
StationName	Surface water from Mary Matha Granites
pH	7.43
EC,µS/cm	392.6
TDS,mg/L	251
TotalSuspendedSolids,mg/L	BDL
COD,mg/L	2.88
Calcium, mg/L	47.2
Sodium, mg/L	10.1
Potassium,mg/L	1.45
Silica,mg/L	12.53
Copper,mg/L	0.09
Iron, mg/L	0.52
Manganese,mg/L	0.27
Nickel,mg/L	BDL
Lead, mg/L	BDL
Zinc,mg/L	0.07
SAR	0.36

The results were compared with IS 10500: 2012 Drinking Water Specifications and all the values found within limits, except a slightly high value for Iron.

Both the quarries were not in operation on the preceding day (02-09-2021) of sampling and analysis results may vary considerably if sampling was done when mining operations are in full swing. There are no specific standards to compare the effects of mining in the runoff water. If the receiving body is a surface water stream/ channel, which is being utilized downstream, then designated best use class could be ascertained. But even in the designated best use standards for surface water as per the Environment (Protection) Rules, 1986, the parameters COD, TDS, sodium, potassium, calcium or heavy metals are not included. Hence these salient values, for which standards are available only, were

compared with the Drinking Water Specifications IS 10500 of 2012 notified by Bureau of Indian Standards. The results are tabulated in Table 2. It can be seen that all the parameters except Iron are well within the limit.

TABLE 2. COMPARISON OF SALIENT PARAMETERS OF WATER QUALITY WITH DRINKING WATER SPECIFICATIONS

Sl. No.	Parameter	Unit	Observed value in water flowing out		Permissible limit
			Royal	Mary Matha	
1	pH	-	7.32	7.43	6.5 – 8.5
2	TDS	mg/l	85	251	2000
3	Calcium	“	16.8	47.2	200
4	Iron	“	1.12	0.52	0.3
5	Manganese	“	0.17	0.27	0.3

Observation on mine runoff/ mine pit water quality

On the day of inspection, natural streams were observed entering the mine area and such streams are entering the mine pits and ultimately get discharged outside as a mine runoff discharge. On the day of inspection at least three such streams could be seen entering the mine. One of the conditions of the EC is not to disturb natural streams and to provide garland drains to divert runoff water entering the mine area. The complainant and general public in the vicinity alleged that the natural streams are getting polluted by the mining activity and the discharge from the mine is reaching a natural drain downstream impairing the water quality of the receiving stream. In order to study the water quality of the mine water discharge, water samples from inflowing natural streams, successive mine pits (designated as settling tanks) and final discharge were collected on 03-09-2021. Total suspended solids (TSS), total dissolved solids (TDS), chemical oxygen demand (COD) pH, electrical conductivity (EC), calcium, sodium, potassium, silica, copper, iron, manganese, nickel, lead, zinc and sodium absorption rate (SAR) were analyzed.

In water samples collected from M/s. Royal Sand & Granites quarry, TSS and COD of the inflowing stream and the final outlet were BDL. The samples exhibited fairly constant pH values in all samples. However, TDS shows a gradual hike from 32 to 85 mg/L and the same trend could be seen with EC with a gradual spike from 49.31 to 132.3 μ S/cm from the inlet to outlet water samples. This indicates that there is a faint influence of mining activity on the inflowing water

quality which could be the sodium and potassium ions from plagioclase or orthoclase feldspar commonly found in un-weathered granite. Feldspar usually undergoes hydrolysis and forms kaolinite clay, sodium and potassium. Calcium, sodium and potassium levels in the samples registered an increase in the final discharge compared to the incoming stream water. Heavy metals like iron and manganese also registered a faint increase in the final discharge water. The results indicate that water quality of the incoming stream water is affected when it passes through the mine area and mine pits. The mining process and loose soil in the mine areas may contribute to the dissolved and suspended particles in the runoff water. The suspended clay particles/minerals could be managed by settling tanks, but the dissolved sodium, potassium, calcium, and heavy metals could manifest as TDS and EC in the mine discharge.

In M/s. Marymatha quarry, only the outflowing water from the mine pit was sampled and analyzed as there was no visible inflow into the quarry at the time of inspection. The pH value was near neutral and COD was 2.88 mg/L. But TDS and EC were 251mg/L and 392.6 μ S/cm, which indicates the presence of mineral ions from weathered components of granite. Calcium and sodium in the mine pit water suggest the influence of mining on the water quality.

Both the quarries were not in operation on the preceding day (02-09-2021) of sampling and analysis results may vary considerably if sampling was done when mining operations are in full swing. Though the above analysis results indicate the effect of mining on the runoff water, there are no specific water quality standards to compare. However, as per the EC condition, the natural streams (though they are seasonal) have to be protected and the water quality deterioration while passing through the mine area shall be addressed properly.

3. Observations of Joint committee

a. Details of quantity of Granite Building stone extracted from M/s. Royal Sand 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(**Exhibit - 2**). As per the approved mining plan the total quantity that can be extracted from the lease area up to March 2022 is 1800000 MT (300000MT 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.

b. 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, 1 10/1 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 budding stone has been carried out from outside the lease area also(**Exhibit -3**). 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 realize 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.

E. POINTWISE REPLY OF THE JOINT COMMITTEE TO THE QUESTIONS RAISED BY HON'BLE NGT

S. No	Question Raised by Hon'ble 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. 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 and valid upto 10.08.2022 for an area of 2.7721 Ha but the same quarry is operating without Environmental Clearance (EC).</p> <p>Regarding M/s. Mary Matha Granites Pvt. Ltd., the quarry is operating with a valid quarrying lease on 2.7721 Ha. and quarry possesses all other valid licenses except Environmental</p>

		<p>Clearance. So the quarry operations were not scrutinized under the ambit of Environmental Clearance. In compliance with the judgments of the Honourable High Court of Kerala in WP(C) No. 31148/2014(S) and WP(C) No.39548/2016(P), the Department of Mining and Geology has not insisted Environmental Clearance from holders of quarrying leases, with land area less than 5 Ha, which were granted prior to the judgment dated 27.02.2012 of the Honourable Supreme Court of India in Deepak Kumar vs. State of Haryana. Since the lessee has a valid quarrying lease till August 2022, the requirement of Environmental Clearance will arise only while seeking renewal. The quarry has valid licenses except EC and has been working since August 2010.</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.</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. (Exhibit -4)</p>
3	<p>How many number 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 Akanthethra 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</p>

		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 studies have 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 study has 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 environment and if any damage has been caused, assess the damage and environment compensation required for restoring the damage caused to the environment	<p>Based on the inputs provided by the DMG, after conduct of 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 5,8,7294 MT against a permitted quantity of 18,00,000 MTA till March 2022 (i.e., only 32.62% of the permitted quantity has been extracted from the lease area) and no excess mining or mining outside the lease area is conducted.</p> <p>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). 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</p>

		<p>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 budding 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 realize 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.</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, nearly compliance reports and monitoring results of ambient air, water and noise monitoring reports indicated ail the values to be within stipulated norms.</p> <p>Regarding M/s. Mary Matha Granites Pvt. Ltd., the quarry is operating with a valid quarrying lease on 2.7721 Ha. and quarry possesses all other valid licenses except Environmental Clearance. So the quarry operations were not</p>

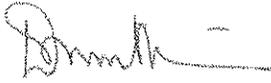
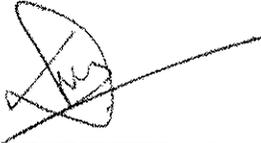
		<p>scrutinized under the ambit of Environmental Clearance. In compliance with the judgments of the Honourable High Court of Kerala in WP(C) No. 31148/2014(S) and WP(C) No.39548/2016(P), the Department of Mining and Geology has not insisted Environmental Clearance from holders of quarrying leases, with land area less than 5 Ha, which were granted prior to the judgment dated 27.02.2012 of the Honourable Supreme Court of India in Deepak Kumar vs. State of Haryana. Since the lessee has a valid quarrying lease till August 2022, the requirement of Environmental Clearance will arise only while seeking renewal. The quarry has valid licenses except EC and has been working since August 2010. The validity of the Lease period will be expired on 10.08.2022. <u>Hence the quarry working days from 15.01.2016 without EC are calculated as 2363 days as on 07/07/2022.</u></p>
8	<p>The Committee is also directed to evolve a mechanism to regulate the cluster type management of quarry, if not already issued to protect environment and what all 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 an EC, a cluster certificate from District Geologist and Village Panchayat may be obtained 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 SEIAA.</p>

F. FINAL REMARKS

It is humbly submitted that the Joint Committee constituted under the direction of Hon'ble National Green Tribunal finalized the report and state as follows.

1. Regarding M/s. Royal Sands and Gravels Private Limited, it is seen that mining activities are conducted within the permitted Lease area. As per the approved Mining Plan, the total quantity extracted is below the permitted quantity (3,00,000 metric ton). The quarry has been working with valid licences including EC.
2. Regarding M/s. Mary Matha Granites Pvt. Ltd., the quarry is operating with a valid quarrying lease on 2.7721 Ha. and quarry possesses all other valid licenses except Environmental Clearance. So, the quarry operations were not scrutinized under the ambit of Environmental Clearance. In compliance with the judgments of the Honourable High Court of Kerala in WP(C) No. 31148/2014(S) and WP(C) No.39548/2016(P), the Department of Mining and Geology has not insisted Environmental Clearance from holders of quarrying leases, with land area less than 5 Ha, which were granted prior to the judgment dated 27.02.2012 of the Honourable Supreme Court of India in Deepak Kumar vs. State of Haryana. Since the lessee has a valid quarrying lease till August 2022, the requirement of Environmental Clearance will arise only while seeking renewal. The quarry has valid licenses except EC and has been working since August 2010. The validity of the Lease period will be expired on 10.08.2022. Hence the quarry working days from 15.01.2016 without EC are calculated as 2363 days as on 07/07/2022.

G. SIGNATURE OF THE JOINT COMMITTEE MEMBERS

S. No	Name and Designation	Signature
1	Smt. Amrathavalli. D Revenue Divisional Officer, Palakkad, Kerala	
2	Dr. S. Sreekumar, Member SEAC, SEIAA, Kerala	
3	Dr. Murali Krishna, Additional Director/ Scientist-E, MoEF&CC, IRO, Bangalore	Dissenting with the Observations of the Joint Committee for Specific Question No's. 1, 6 and 7. Accordingly, a separate Dissenting Note is enclosed as Annexure to this Joint Committee Report for kind consideration of Hon'ble NGT.
4	Dr. V. Deepesh, Scientist – C, Central Pollution Control Board, Regional Directorate, Bengaluru.	
5	Sri. Krishnan, M.N. Environmental Engineer, KSPCB, Palakkad, Kerala	
6	Sri. Vinod M.V. Geologist, District Office, Palakkad, Kerala	

**H. DISSENTING NOTE OF MEMBER REPRESENTATIVE OF MOEF&CC,
INTEGRATED REGIONAL OFFICE, BANGALORE IN OA NO. 124 OF 2021
(SIBI JOSEPH VS UNION OF INDIA & OTHERS)**

1. Hon'ble National Green Tribunal (NGT) in OA No. 124 of 2021 vide its Order dated 10.06.2021 constituted a Joint Committee 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.
2. 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 four times through video conference on 08.09.2021, 22.09.2021, 06.07.2022 and finally again on 08.07.2022 to discuss the Joint Committee Report for filing in Hon'ble NGT.
3. Despite of repeated discussions and deliberations, the Joint Committee could not come to a common conclusion and **the undersigned is dissenting with the observations of the Joint Committee regarding Specific Points at No. 1, 6 and 7.** The undersigned is agreeable to the decisions of the Joint Committee regarding Specific Points at No. 2,3,4,5 and 8.

A. M/s. Royal Sands and Gravels Private Limited:

As per the report of District Collector, Palakkad and Department of Mining and Geology, it is noted that M/s. Royal Sands and Gravels Private Limited have conducted their mining activities within the permitted Lease area as per the approved mining plan and no excess material has been extracted. Further, the quarry has been working with valid licenses like Environmental Clearance, Consent from Pollution Control Board, Explosives License, Mining Lease and Panchayat Clearance and accordingly no violation or excess mining noted.

B. M/s. Mary Matha Granites Pvt. Limited:

As per the report of District Collector and DMG, it is noted that the quarry of M/s. Mary Matha Granites Pvt. Ltd is operating with a valid quarrying lease on 2.7721 Ha but **without Environmental Clearance**. In case of M/s. Mary Matha Granites Pvt. Ltd, it was reported by DMG that this quarry has extracted excess quantity of 61,664 MT of material as on 16.10.2021 and DMG has initiated appropriate action for recovery of the same.

- a) Further, considering the Order of Hon'ble NGT dated 27.05.2021 in OA No. 244 of 2017 (Shefy Joseph Vs MoEF&CC), it is opined that the 9th respondent (M/s. Mary Matha Granites Pvt. Ltd) carrying out mining operations after 15.01.2016, till date on the basis of mining lease obtained during August 2010 is to be considered as illegal and unauthorized and they are liable to pay environmental compensation for the quantity of mined material which has to be assessed by the Mining and Geology Department. Further, carrying out mining operations from 15.01.2016 till date (2363 days) without obtaining Environmental Clearance (EC) is violation and accordingly liable to pay environmental compensation.
 - b) It is also submitted that the said Hon'ble Supreme Court of India in Civil Appeal No. 4643 of 2021 dated August 16, 2021, stated the following: "*There is no error of fact or law in the order of the National Green Tribunal dated 27 May 2021 in OA No 244 of 2017 (SZ) and accordingly dismissed the appeal*".
4. Accordingly, this dissenting note is submitted for kind consideration and further needful of Hon'ble NGT for Specific Points at S. No. 1,6 and 7.

Dr. Murali Krishna
Dr. Murali Krishna
Scientist-E
11.07.2022

EXHIBIT - 1

By E. mail

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:-

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- 1 Sri. Balpreet Singh IAS
Sub Collector, Palakkad
RDO Office, Palakkad
Tel: 0491 - 2505309
e-mail: pkdcolt.msg@kerala.gov.in
- 2 Dr. Murali Krishna, Ph.D
Joint Director/Scientist - D
Ministry of Environment, Forest and Climate Change
Integrated Regional Office, Bangalore
Mob: +91 9654684977
e-mail: em.krishna@gov.in
- 3 Dr. S. Sreekumar
Member, SEAC
State Environment Impact Assessment Authority (SEIAA)
KSKTC Bus Terminal, 4th Floor, Thampanoor
Thiruvananthapuram - 695001
Tel: 0471 - 2334262
e-mail: seacseiaakerala@gmail.com
- 4 Sri. Vinod M.V
Geologist, District Office Palakkad
Department of Mining and Geology
Town Bus Stand Complex, Palakkad
Tel: 0491 - 2527196
Mob: +91 9447387334
e-mail: geo.pal.dmg@kerala.gov.in
- 5 Sri. Krishnan M.N.
Environmental Engineer
Kerala State Pollution Control Board (KSPCB)
District Office, Palakkad
Mob: +91 9447975719
e-mail: kspcbpalakkad@gmail.com
- 6 Dr. V. Deepesh
Scientist - C
Nisarga Bhawan, A - Block
1st & 2nd Floors, Thimmaiah Road
7th D Main, Shivanagar, Bengaluru - 560079
Mob: +91 9611128895
e-mail: deepesh.epcb@nic.in

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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 in limiting the quarrying that is being operated in a cluster to prevent 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 and 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 & Geology.

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

(Sd)

Inbasekar.K IAS
Director of Mining & Geology

To:

- 1 Sri. Balpreet Singh IAS
Sub Collector, Palakkad
RDO Office, Palakkad
Tel: 0491 - 2505309
e-mail: pkdcolt.msg@kerala.gov.in
- 2 Dr. Murali Krishna, Ph.D
Joint Director/Scientist - D
Ministry of Environment, Forest and Climate Change
Integrated Regional Office, Bangalore
Mob: +91 9654684977
e-mail: cm.krishna@gov.in

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- 3 Dr. S. Sreekumar
Member, SEAC
State Environment Impact Assessment Authority (SEIAA)
KSRTC Bus Terminal, 4th Floor, Thampanoor
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Tel: 0471 - 2334262
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- 4 Sri. Vinod M.V.
Geologist, District Office Palakkad
Department of Mining and Geology
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e-mail: geo.pal.dmg@kerala.gov.in
- 5 Sri. Krishnan M.N.
Environmental Engineer
Kerala State Pollution Control Board (KSPCB)
District Office, Palakkad
Mob: +91 9447975719
e-mail: kspcbpalakkad@gmail.com
- 6 Dr. V. Deepesh
Scientist - C
Nisarga Bhawan, A - Block
1st & 2nd Floors, Thimmalah Road
7th D Main, Shivanagar, Bengaluru - 560079
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e-mail: deepesh.cpcb@nic.in
7. Smt. Priya Mohan
Geologist, Directorate of Mining and Geology
Kesavadasapuram, Pattom Palace P.O
Thiruvananthapuram - 695 004
Mob: 9447450432
email : priyajayamohan@gmail.com

29.7.(ks)



By order

Senior Superintendent

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EXHIBIT -2

Map showing boundary pillars of M/s. Royal Sands & Gravels Pvt. Ltd

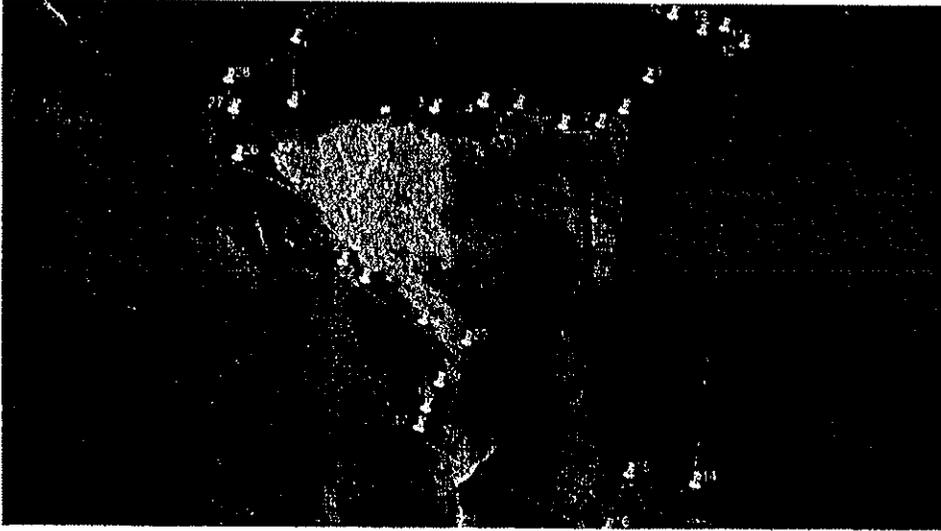


EXHIBIT -3

Map showing boundary pillars of M/s. Mary Matha Granites



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EXHIBIT - 5

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

(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

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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. Praval Krishna

(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.

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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

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	<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>

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		<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 Chimata

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

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI

Original Application No. 124/2021

Sibi Joseph Applicant

Versus

Union of India, Ministry of
Environment, Forests and Climate Change
and Others

Respondents

REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE
POLLUTION CONTROL BOARD, DISTRICT OFFICE, PALAKKADFOR AND ON
BEHALF OF THE 7TH RESPONDENT KERALA STATE POLLUTION CONTROL
BOARD

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI

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Applicant

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Union of India, Ministry of

Environment, Forests and Climate Change

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Dated this the 7th February, 2022

(39)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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Original Application No. 124/2021

Sibi Joseph

Applicant

Versus

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Respondents

REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE
POLLUTION CONTROL BOARD, DISTRICT OFFICE, PALAKKAD FOR AND ON
BEHALF OF THE 7TH RESPONDENT KERALA STATE POLLUTION CONTROL
BOARD

I, Krishnan M N, S/o M S Narayanan, am the Environmental Engineer, Kerala State Pollution Control Board, District Office, Palakkad. I am duly authorized by the 7th respondent Member Secretary of Kerala State Pollution Control Board to represent the Board in the O.A. I do hereby solemnly affirm and state as follows.

1. The Hon'ble National Green Tribunal (NGT) vide its order dated 29.10.2021 in the above OA, directed the respondents to file independent reports.
2. This respondent had submitted before the Hon'ble Tribunal the details of the Consent granted to the respondent quarry units in the affidavit filed dated 31st July, 2021. The quarry of the 8th respondent Royal Sand and Gravels Pvt. Ltd. had obtained Consent to Operate of the Board on 27-12-2014. This Consent to Operate was renewed on 03-05-2019 and is valid up to 01-12-2023. The 9th respondent quarry Mary Matha Granites also has valid



Consent to Operate of the Board. The present Consent to Operate of the quarry of the 9th respondent was issued on 25-05-2018 valid up to 31-07-2022.

3. The quarry of Royal Sand and Gravels Pvt. Ltd. was inspected along with the joint inspection team on 2-9-2021. The petitioner Sri. Sibi Joseph was heard before the start of inspection. There were other nearby residents also along with the petitioner expressing their grievances. Among the grievances they voiced, those which were directly related to environmental pollution follows.
 - I. The petitioners alleged that there are natural streams which enter the quarry area. These streams are allegedly 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. This water used to be utilized for drinking and bathing but during the years after quarrying started, the water has become allegedly unusable.
 - II. During the dry months, air pollution from quarrying area is allegedly grave.
 - III. Surface runoff from the premises of the crusher adjacent to the quarry is allegedly polluted by the presence of dust and silt from the raw materials and products heaped in these premises. This polluted water also reaches downstream.

4. The quarry area was inspected. The important observations follow.
 - I. Three natural streams could be seen entering the quarry area from the surrounding hills. During the days prior to the inspection, there were frequent monsoon rains in the region. During the inspection also, intermittent rains were falling.
 - II. These 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.
 - III. 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.
 - IV. 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.
 - V. It was decided to take samples of the influent natural stream, overflow of each settling tank and final outlet later, to ascertain any contamination is happening in the quarry

area and whether contamination is persisting or not while flowing out of the quarry area.

- VI. On the day of inspection, there was no blasting or operation of jack hammers in the quarry. Hence there was no dust emanation from the premises. The crusher plant was also not operational. Hence a comprehensive observation of the quarrying-crushing operations to know their effects could not be made.
 - VII. 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 can only give any conclusive evidence of dust emanation. The quarry premises and sides of the haul roads were found fitted with water-sprinklers to suppress dust.
 - VIII. The overburden and top soil could be seen in heaped with flattened top. On the top, a plantation of various plants has been created which stabilizes the heap, preventing erosion of this heap.
5. The quarry of Marymatha Granites was also inspected as a part of the joint inspection on 2-9-2021. The petitioner Sri. Sibi Joseph and nearby residents were heard at that site also before proceeding with inspection. Among the grievances they voiced, those which were directly related to environmental pollution follows.
 - I. Dust and silt from the quarry premises allegedly reaches the natural streams flowing from the area and polluted water reaches downstream.
 - II. During the dry months, air pollution from quarrying area is allegedly grave.
 - III. Surface runoff from the premises of the crusher adjacent to the quarry is allegedly polluted by the presence of dust and silt from the raw materials and products heaped in these premises. This polluted water also reaches downstream.
 6. Then the quarry area was inspected. The important observations follow:
 - I. The contour map of the area was referred and the lower portion through which the runoff from the area will flow out was identified. At the point, it was seen that a *kuchchadrain* has been made which takes the water to an abandoned quarry-pit.
 - II. Surface runoff from other portions also reach this quarry pit. From the quarry-pit, water flows out into adjacent property where it get settled into natural depressions.
 7. On the next day, 3-9-21, the influent stream, settling tanks and outflow form Royal Sand and Gravels was sampled. The outflow from Marymatha Granites Quarry was also sampled. Total suspended solids (TSS), total dissolved solids (TDS), chemical oxygen demand (COD) pH, electrical conductivity (EC), calcium, sodium, potassium, silica, copper, iron, manganese, nickel, lead, zinc and sodium absorption rate (SAR)

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were analyzed in these samples. The results of analysis are given in Table 1 (a) and 1 (b).

Table 1 (a)- Water Quality Characteristics of samples from Royal Sand and Gravel
Date of Sampling: 03-09-2021

Sample Code	PAS 3318/1	PAS 3318/2	PAS 3318/3	PAS 3318/4	PAS 3318/5	PAS 3318/6	PAS 3318/7
Station Name	Natural Stream	Quarry Pit	Settling Tank I	Settling Tank II	Settling Tank III	Pipe Outlet	Final Outlet
pH	7.12	7.18	7.25	7.22	7.24	7.18	7.32
EC, $\mu\text{S}/\text{cm}$	49.31	88.52	88.02	85.11	85.53	92.6	132.3
TDS, mg/L	32	57	56	54	55	59	85
Total Suspended Solids, mg/L	8	25.2	12.1	BDL	BDL	BDL	BDL
COD, mg/L	BDL	BDL	BDL	BDL	BDL	BDL	BDL
Calcium, mg/L	2.4	8	6.4	6.4	6.4	6.4	16.8
Sodium, mg/L	3.97	4.18	4.21	4.27	4.56	4.53	4.86
Potassium, mg/L	0.48	2.39	2.55	2.52	2.59	2.51	2.2
Silica, mg/L	36.3	26.62	29.38	28.95	30.68	28.52	35.86
Copper, mg/L	0.06	0.06	0.13	0.12	0.1	0.11	0.11
Iron, mg/L	0.23	0.71	1.11	1.29	1.31	0.9	1.12
Manganese, mg/L	0.05	0.09	0.14	0.12	0.11	0.18	0.17
Nickel, mg/L	BDL	BDL	BDL	BDL	BDL	BDL	BDL
Lead, mg/L	BDL	BDL	BDL	BDL	BDL	BDL	BDL
Zinc, mg/L	0.02	0.03	0.06	0.05	0.08	BDL	0.1
SAR	0.28	0.32	0.31	0.33	0.29	0.33	0.25

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Table 1 –(b) Water Quality Characteristics of samples from Mary Matha Granites

Date of Sampling: 03-09-2021

Sample Code	PAS 3317
Station Name	Surface water from Mary Matha Granites
pH	7.43
EC, $\mu\text{S}/\text{cm}$	392.6
TDS, mg/L	251
Total Suspended Solids, mg/L	BDL
COD, mg/L	2.88
Calcium, mg/L	47.2
Sodium, mg/L	10.1
Potassium, mg/L	1.45
Silica, mg/L	12.53
Copper, mg/L	0.09
Iron, mg/L	0.52
Manganese, mg/L	0.27
Nickel, mg/L	BDL
Lead, mg/L	BDL
Zinc, mg/L	0.07
SAR	0.36

8. The results were compared with standards for drinking water source without conventional treatment after disinfection (IS:2296:1982) and the standards were found within limits, except a slightly high value for Iron.
9. Both the quarries were not in operation on the preceding day (02-09-2021) of sampling and analysis results may vary considerably if sampling was done when mining operations are in full swing. Though the above analysis results indicate the effect of mining on the runoff water, there are no specific water quality standards to compare. If the receiving body is a surface water stream/ channel, which is being utilized downstream, then designated best use class could be ascertained. But even in the designated best use standards for surface water as per the Environment (Protection) Rules, 1986, the parameters COD, TDS, sodium, potassium, calcium or heavy metals are not included. Hence these salient values, for which standards are available only, were compared with the Drinking Water Specifications IS 10500 of

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2012 notified by Bureau of Indian Standards. The results are tabulated in Table 2. It can be seen that all the parameters except Iron are well within the limit.

TABLE 2. COMPARISON OF SALIENT PARAMETERS OF WATER QUALITY WITH DRINKING WATER SPECIFICATIONS

Sl. No.	Parameter	Unit	Observed value in water flowing out		Permissible limit
			Royal	Marymatha	
1	pH	-	7.32	7.43	6.5 – 8.5
2	TDS	mg/l	85	251	2000
3	Calcium	"	16.8	47.2	200
4	Iron	"	1.12	0.52	0.3
5	Manganese	"	0.17	0.27	0.3

10. It is submitted that the results will be discussed in the Joint Committee which will arrive on a conclusive inference, and that will be produced before the Hon'ble Tribunal.

Dated this the 7th of February, 2022.

DEPONENT

AS

**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

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IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

Wednesday, the 15th day of June 2022 / 25th Jyaishtha, 1944

WP(C) NO. 13221 OF 2022

PETITIONER:

1. STATE OF KERALA, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT DEPARTMENT OF ENVIRONMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001.
2. THE GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY, CIVIL STATION, KAKKANAD, ERNAKULAM - 682030.
3. THE PRINCIPAL SECRETARY TO GOVERNMENT, INDUSTRIES (A) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001

RESPONDENT:

1. SHEFY JOSEPH, D/O. LATE M.P.JOSEPH, PUTHANPURACKAL HOUSE, CHEMBARAKKI, SOUTH VAZHAKULAM.P.O., PERUMBAVOOR -VIA, ERNAKULAM - 683556
2. GOVERNMENT OF INDIA, REP. BY ITS SECRETARY MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, PARIYAVARAN BHAVAN, CGO COMPLEX, LODHI ROAD, NEW DELHI - 110003
3. M.D.KURIAKOSE, MADAPPILLIL HOUSE, PAZHANGANAD.P.O., KIZHAKKAMBALAM - VIA, ERNAKULAM - 683562

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation and implementation of Exhibit P5 order and judgment dated 27/05/2021 passed by the National Green Tribunal, Southern Zone, Chennai in OA No.244 of 2017 and all proceedings leading to that and arising there from, pending disposal of this Writ Petition(Civil).

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 08/04/2022 upon hearing the arguments of SHRI.S.KANNAN, SENIOR GOVERNMENT PLEADER, along with PUBLIC PROSECUTOR for the petitioners, and of ASSISTANT SOLICITOR GENERAL of INDIA for the respondent No.2, the court passed the following;

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ORDER

ASGI takes notice for the 2nd respondent. Issue urgent notice by speed post to respondents 1 and 3.

There will be an interim order staying the operation of Ext.P5, for a period of one month.

Sd/- N.NAGARESH JUDGE

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Exhibit P5

APPENDIX OF WP(C) 13221/2022
TRUE COPY OF THE ORDER AND JUDGMENT DATED 27.05.2021
PASSED BY THE TRIBUNAL IN OA NO. 244/2017.

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

OA No. 124 of 2021 (SZ)

IN THE MATTER OF

Sibi Joseph, Kerala.

...Applicant(s)

Versus

Union of India and others.

...Respondent(s)

JOINT COMMITTEE REPORT

M/s. E.K.KUMARESAN
Standing counsel for Kerala(SZ)