

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

Original Application No. 128 of 2021

IN THE MATTER OF:

Ibrahim Karim, Munnar

...Applicant

Versus

State Of Kerala,
Rep. by the Chief Secretary,

Thiruvananthapuram

...Respondent(s)

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**REPORT BY THE 3RD RESPONDENT / EXECUTIVE ENGINEER, PWD
BUILDINGS DIVISION, PATHANAMTHITTA**

M/s. E.K.KUMARESAN
Counsel for R1, R3, R4 & R6
Standing Counsel for State Government of Kerala
NGT(SZ) Chennai Bench

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The 3rd respondent respectfully submits Statement of facts as follows:

1. The 3rd respondent submits that the Project, the construction of Pilgrim Centre at Ittiyappara, Ranny was to construct a multi storied buildings at Ranny, town for the Sabrimala Pilgrims. Ranny-Pazhavangadi Grama Panchayath had acquired the necessary land required for the construction of Pilgrims Centre vide Order No. G.O(Rt) No. 3598/2008/LSGD/TVM dated 07-10-2008. The work was proposed by the Hon'ble M.L.A of Ranny Legislative Constituency. The Administrative Sanction for the work was obtained vide G.O (Rt) No. 1550/2013/PWD dated 27-11-2013 for an amount of 16.5 crore. Technical Sanction was obtained vide Order No. CE/BL/PTA/2597/2011 dated 05-03-2014 of the Chief Engineer, PWD Buildings. After obtaining necessary sanction, the work was tendered and site was handed over to the contractor M/s. Rojer Mathew & Co. vide Agreement No. 23/SC BSC/2014-15 dated 30-09-2014.

2. The 3rd respondent submits that the Contractor started the piling work at the site and is in slow progress. There was no pathway inside the site and the trespassers were not allowed to enter the site. The work was terminated at the risk and cost of the Contractor on 24-05-2019 due to the huge delay in construction process. The proposed area of the building was 22351.90m². But due to non availability of fund, total area to be constructed has been reduced to 18,720.4m² by Chief Engineer (Document-I), Since the area was reduced to 18.720.4m², no environmental clearance is required for the work (Document -2, Page 4, Item No. 8A)

3. The 3rd respondent submits that, As per Rule 54, 7A of Kerala Municipal Rule, obtaining prior permission from Local Body is not necessary

since the drawings were prepared by the Chief Architect. However as a part intimation, the sketch and plan were submitted to Local Body. No objection has been pointed out either by local bodies or by other departments in connection with the environmental issues during the construction. The Government has provided necessary sanctions for the work since the work was useful to Sabarimala Pilgrims as well as for public.

4. Therefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to take the said Report filed by the Executive Engineer, PWD Buildings Division, Pathanamthitta District and thus render justice

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



(E.K.Kumaresan)
Counsel for R1, R3, R4 & R6
Standing Counsel for
State Government of Kerala
NGT(SZ) Chennai Bench

**ചീഫ് എൻജിനീയറുടെ കാര്യാലയം, പൊതുമരാമത്ത് വകുപ്പ്,
കെട്ടിട വിഭാഗം, തിരുവനന്തപുരത്തിന്റെ നടപടിക്രമം**

(ഹാജർ: ഹൈജീൻ ആൽബർട്ട്)

വിഷയം :- റാന്നി, ഇട്ടിയപ്പാറ പിൽഗ്രിം സെന്ററിന്റെ നിർമ്മാണത്തിന് പാരിസ്ഥിതികാനുമതി നൽകുന്നത് - സംബന്ധിച്ച്.

- പരാമർശം:-
1. 08/11/2019-ലെ ദക്ഷിണമേഖല, -കെട്ടിടവിഭാഗം സുപ്രണ്ടിംഗ് എൻജിനീയറുടെ കത്ത് നമ്പർ ഡി8/പൊ.മ.വ.(ബി)എസ്.സി-തിരു/3299/2013
 2. ശ്രീ. കെ.ഡി. ജോണി ഫയൽ ചെയ്ത WP(C) No. 13713/2019
 3. 23/01/2014-ലെ റാന്നി എം.എൽ.എ. രാജു എബ്രഹാമിന്റെ കത്ത്

ഉത്തരവ് നമ്പർ സി.ഇ./ബിഎൽ/പി.റ്റി.എ./എ1/5266/2018 തീയതി 03.01.2020

റാന്നി ഇട്ടിയപ്പാറ പിൽഗ്രിം സെന്ററിന്റെ നിർമ്മാണത്തിനുള്ള ഫണ്ടിന്റെ അപര്യാപ്തത മൂലം കെട്ടിടത്തിന്റെ 10, 11 എന്നീ നിലകളുടെ നിർമ്മാണം സൂചന (3) ന്റെ അടിസ്ഥാനത്തിൽ ഒഴിവാക്കിയാൽ ടോട്ടൽ ഏരിയ $18720/m^2$ മാത്രമേ വരികയുള്ളുവെന്നും ആയതിനാൽ പാരിസ്ഥിതികാനുമതി ആവശ്യമില്ലെന്നും സൂചന (1) പ്രകാരം സുപ്രണ്ടിംഗ് എൻജിനീയർ, കെട്ടിടവിഭാഗം, ദക്ഷിണമേഖല അറിയിച്ചിട്ടുള്ളതാണ്. കൂടാതെ 23/01/2014-ലെ ബഹു. എം.എൽ.എ.യുടെ കത്തിൽ ശബരിമല പിൽഗ്രിം സെന്ററിന്റെ 10, 11 നിലകൾ ഒഴിവാക്കി പുനക്രമീകരിക്കണമെന്ന് അഭ്യർത്ഥിച്ചിട്ടുണ്ട്. ആയതിനാൽ കെട്ടിടത്തിന്റെ 10, 11 നിലകളുടെ നിർമ്മാണം ഒഴിവാക്കി ടോട്ടൽ ഏരിയ $18720/m^2$ ആയി നിജപ്പെടുത്തിക്കൊണ്ട് ഇതിനാൽ ഉത്തരവാകുന്നു.



ചീഫ് എൻജിനീയർ

സ്വീകർത്താവ്

സുപ്രണ്ടിംഗ് എൻജിനീയർ, കെട്ടിടവിഭാഗം, പൊതുമരാമത്ത് വകുപ്പ്,
ദക്ഷിണമേഖല, തിരുവനന്തപുരം

എസ്.എം./

(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS
 New Delhi 14th September, 2006
Notification

S.O. 1533(E). - Whereas, a draft notification under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006 and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September, 2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

Includes the territorial waters

2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority:- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
1(a)	(i) Mining of minerals. (ii) Slurry pipelines (coal lignite and other ores) passing through national parks / sanctuaries / coral reefs, ecologically sensitive areas.	≥ 50 ha. of mining lease area in respect of non-coal mine lease. > 150 ha of mining lease area in respect of coal mine lease. Asbestos mining irrespective of mining area All projects.	<50 ha ≥ 5 ha .of mining lease area in respect of non-coal mine lease. ≤ 150 ha ≥ 5 ha of mining lease area in respect of coal mine lease.	General Condition shall apply Note: Mineral prospecting Is exempted.”;
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area .	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	“General Condition shall apply. Note: Irrigation projects not involving submergence or inter-state domain shall be appraised by the SEIAA as Category ‘B’ Projects.”;

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

category with
-threshold limit-

conditions, if any,

4

9

(1)	(2)	(3)	(4)	(5)
	Building /Construction projects/Area Development projects and Townships			
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

Note:-

General Condition (GC):

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre -defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

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