

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 128 OF 2021 (SZ)**

**JOINT COMMITTEE REPORT FILED BY THE DISTRICT FOREST
OFFICER (DFO), PATHANAMTHITTA**

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Dated at Chennai on this the 1st day of September 2021.

M/s. E.K.KUMARESAN

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

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

Original Application No. 128 of 2021 (SZ)

IN THE MATTER OF

Ibrahim Karim, Munnar

... Applicant(s)

Versus

State of Kerala and Ors.

... Respondents

**JOINT COMMITTEE REPORT FILED BY THE DISTRICT FOREST OFFICER
(DFO), PATHANAMTHITTA**

1. It is submitted that this Hon'ble Tribunal vide its order dated 17.06.2021 in OA No.128/2021 has appointed a Joint Committee to ascertain the genuineness of the allegations made in the above application.

2. It is submitted that a joint site inspection was held on 28th July, 2021 and all the members of the joint committee were present during the field visit.

Therefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to take the said joint committee Report filed by the District Forest officer (DFO), Pathanamthitta District on Record and thus render justice.

Dated at Chennai on this the 1st day of September, 2021



(E.K.Kumaresan)

Counsel for R1, R3, R4 and R6

Standing Counsel for State
Government of Kerala

NGT(SZ), Chennai Bench

Report on proposed construction as ordered in OA -128/2021 of National Green Tribunal, Chennai

1. INTRUCTION

A case was filed by Sri.Ibrahim Karim, Pallivasal Estate, Factory Division, Munnar before the Chennai bench of National Green Tribunal in connection with the construction of multi utility complex at Ittyappara town in Ranni in Pathanamthitta District, Kerala State. The court after due deliberations *inter alia* has appointed a Joint Committee to enquire into the issue and considering its seriousness submit a factual as well as action report, if there any violation found including imposition of environmental compensation. A site inspection was scheduled on 28th July, 2021 and all the members of the Joint committee were present during the field visit.

An extent of 34.03 Ares of land comprised in Resurvey No.260/2, 22.85 Ares in Resurvey No.258/6, 05.40 Ares in Resurvey No.258/7, 06.75 Ares in Resurvey No.258/8, 14.40 Ares in Resurvey No.258/9, 02.25 Ares in Resurvey No.258/8-1-1, 08.32 Ares in Resurvey No.258/9-1-1, 05.70 Ares in Resurvey No.258/10, 04.50 Ares in Resurvey No.258/8-1, 06.08 Ares in Resurvey No.258/9-1 (altogether 01.10.28 Ha) of Block Number 9 of Pazhavangady Village, Ranni Taluk, Pathanamthitta District is owned by Pazhavangady Grama Panchayath for and on behalf of the Kerala State Road Transport Corporation (KSRTC) Bus Stand. The lands were acquired by the order of the Tahasildar (LA) vide order No. 62/12/D dated 11.01.2012 for the construction of KSRTC Bus Stand at Ranni. The land in which, the proposed construction lays adjoining to the KSRTC Bus Stand and the concrete road connecting Ittyappara Junction bypass road. The proposed construction is intended to provide amenities to the Sabarimala Pilgrims (Idathavalam).

Report

As ordered in OA.128/2021 Dtd.17.06.2021, the point wise report furnished as per the individual Reports received from the Joint Committee Members is below.

- i. Whether the project of the third respondent requires environmental clearance and whether they have obtained the same?

It is reported by committee member representing Ministry of Environment, Forest and Climate Change, Integrated Regional Office ,Bangalore that the project requires prior Environmental Clearance (EC) as per the latest information's verified from State Environment Impact Assessment Authority (SEIAA) office, the project proponent has not submitted application for obtaining prior Environmental Clearance, for construction of the Multi Utility Complex Project. Thereby the project proponent has not applied /obtained prior Environmental Clearance for the construction activity.

As per schedule 8 (a) of Environmental Impact Assessment (EIA), notification 2006, all **Building and construction projects with a built-up area of more than 20000 Sq.M are required to the obtain Environmental Clearance from Kerala State Environment Impact Assessment Authority (SEIAA).**

During the visit of the Joint Committee, Project Authorities have not provided any detailed project report. Based on the building plan made available along with the petition, it is noted that **the total built up area of the project is 22,351.90 Sq. M for which Environmental Clearance is required from Kerala State Environment Impact Assessment Authority (SEIAA).**

- II. Whether the 3rd respondent had obtained all necessary clearances and permissions for proceeding with the project which is required under the EIA Notification, 2006 and other environmental laws,

The following points were reported by the Member, SEAC, C/o Office of Kerala State Environment Impact Assessment Authority (SEIAA), State Environment and Climate Change Department.

- I. No
 - II. The proposed building is a utility complex, having a total built up area of 22351.90 Sq.M, in Ittiyappara town of Ranni in Patahanmthitta District, Kerala.
 - III. As per schedule 8 (a), of the EIA notification 2006, building and construction project \geq 20000 Sq.M requires prior environmental clearance from the State Environment Impact Assessment Authority (SEIAA), before starting construction activity the project proponent has not obtained prior environmental clearance.
 - IV. It is legally required that the project proponent, have to submit an application before the SEIAA, in Form I, Form IA and with a conceptual plan of the building project, for obtaining prior environmental clearance. As the project is coming under B2 Category of EIA notification 2006, and the built area of the building is $<$ 150000 Sq.M prior environmental clearance from SEIAA is required to be obtained.
 - V. Clearances/ Permissions required to be obtained by the project proponent are, (1) prior environmental clearance from SEIAA, (2) building permit from the town and Country Planning Department, (3) building permit from Grama Panchayath, (4) Integrated Consent to Establish (ICE) from the State Pollution Control Board and (5) permit from the State Fire and Safety Department. During the site visit, it is understood that the project proponent has not obtained, any of the above mentioned clearances and permissions.
- III. Whether the construction of the present project falls within the flood- plain of the stream namely, 'Klappana-Madatharuvi stream- cum- wetland basin',

As per reports received from Minor Irrigation Department, 'Klappana-Madatharuvi stream flows 800 M north west from the proposed construction site. But the site falls within the flood plain of Meenmuttupara-Aithala stream, passing along southern border of the project area. No streams or water flow is obstructed by the filing of the project area.

- IV. Whether necessary permission if any required has been obtained from the Irrigation Department for construction of any building in the flood- plains of the stream or river?

It is reported by Minor Irrigation Department that "no permission is sought from that department in connection within the construction".

- V. Whether this will have any impact on forest ecology as the applicant claims the area to be a wetland,

Nearest reserve forest area is about 7 KM from the proposed project site. The proposed project site is not a reserve forest or forest owned land. So there was no impact on forest ecology on account of the project.

- VI. What is the nature of impact that is likely to be caused on environment on account of such construction?

As per the report submitted by Kerala State Pollution Control Board (KSPCB), the impacts likely to be caused on account of construction are (1) Habitat loss, (2) Possibility of flood and change in ground water levels, flow regimes, (3) Air, Water and Noise pollution due to construction activities and land filling, (4) Agriculture loss, if agriculture was done in the site, (5) Erosion and surface water contamination due to silt run off from construction site.

- VII. What is the nature of damage caused to the environment and what are all the remedial measures to be taken for the purpose of restoration of damaged caused to the environment,

Only preliminary activities such as earth filling and piling works (partially) have been done in the proposed project site. For the construction purpose the project proponent have converted the wetland (which is recorded in Revenue Records) into normal plain land.

- VIII. If any, damage has been caused to the environment, then the committee is also directed to assess the environmental compensation required for the restoration of the damage caused to the environment,

Based on the records made available and also as noted by the Joint Committee on the day of inspection (28.07.2021), it is noted that project proponent has initiated the construction activities like leveling of the land and dumping of mud and other materials for the land filling without obtaining prior environmental clearance from Kerala State Environment Impact Assessment Authority (SEIAA) which is a violation under EIA notification 2006. As reported by Deputy Director (S)/Scientist 'C' representing Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Bangalore

As per the guidelines issued by the Central Pollution Control Board (CPCB), environmental compensation for violating the provisions of E(P) Act, 1986 has been calculated and which is amounting Rupees 85,46,875/- (Rupees Eighty Five Lakhs Forty Six Thousand Eight Hundred and Seventy Five only).

Report Of District Collector Pathanamthitta

The District Collector, Pathanamthitta (Member of Joint Committee) Reported that the construction of Sabarimala Pilgrim Centre in the said land was on the basis of G.O (Rt) 1184/2009/GAD Dated 08.09.2009 of Government of Kerala. Honourable High Court of Kerala vide Judgment in WP (C) 13713 /2019 dated 24.06.2019 issued an interim stay order against the construction of the multi utility

complex in the said land before assessing the Environment Impact Assessment study. PWD Executive Engineer filed a counter affidavit in this case. The case is pending before the Hon'ble High Court of Kerala. Executive Engineer PWD (Buildings), Pathanamthitta reported as per the letter number D3—3054/2012 dated 11/01/2021 that the Chief Engineer (Buildings) vide order CE/GL/A1/PTA/415/2019 dated 03/12/2019, the construction of 10 and 11th floors of the proposed building have been cancelled due the lack of fund availability. Hence the total plinth area of the building will be only 18720 M² and the environmental assessment and clearance is not required as it is below the limit.

Conclusion

In the view of the above, based on the observations of the joint committee and the documentary evidence produced by the project authorities, it is noted that project proponent has initiated the construction activities without obtaining environmental clearance from Kerala State Environment Impact Assessment Authority (SEIAA). It is reported by District Collector, Pathanamthitta that vide order no. CE/GL/A1/PTA/415/2019 Dated. 03.12.2019 of Chief Engineer (Buildings), the construction of 10th & 11th floor of the building have been cancelled thereby reducing the plinth area to 18720 M³.


Divisional Forest Officer
Ranni
Nodal Agency

Constituted by NGT vide order Dtd.17.06.2021 in OA. No.128/2021

Enclosures:-

- 1 : Report no. C4-181431/18 Dtd.02.08.2021 of District Collector, pathanamthitta
- 2 : Report no.F.No.EP/12.7/76/NGT/KER/340 Dtd.03.08.2021 of Deputy Director (S)/Scientist 'C', Ministry of Environment, Forest and Climate Change, Integrated Regional Office ,Bangalore
- 3 : Report of Member ,SEAC, C/o Office of Kerala State Environment Impact Assessment Authority (SEIAA), State Environment and Climate Change Department.
- 4 : Report no.PCB/PTA/TG/352/2021 Dtd.02.08.2021 of Environmental engineer , Kerala State pollution Control Board, Pathanamthitta
- 5 : Report no.E2-110/2012 Dtd.03.08.2021 of Assistant Executive Engineer, Minor Irrigation Sub Division, Pathanamthitta
- 6 : Photographs

No. C4-181431/18

Collectorate, Pathanamthitta

Dated: 02/08/2021

District Collector

Pathanamthitta

Divisional Forest Officer Ranni &

Nodal Officer, Joint Committee constituted by the NGT (SZ) in OA 128/2021

Sub: Report to the Joint Committee constituted by the NGT (SZ) in
OA 128/2021 dated 17-06-2021

Ref: 1. Judgment dated of the NGT (SZ) dated 17-06-2021

2. Decision taken by the Meeting of the Joint Committee dated
28-07-2021

An extent of 34.03 ares of land comprised in resurvey number 260/2, 22.85 ares in resurvey number 258/6, 05.40 ares in resurvey number 258/7, 06.75 ares in resurvey number 258/8, 14.40 ares in resurvey number 258/9, 02.25 ares in resurvey number 258/8-1-1, 08.32 ares in resurvey number 258/9-1-1, 05.70 ares in resurvey number 258/10, 04.50 ares in resurvey number 258/8-1, 06.08 ares in resurvey number 258/9-1 (altogether 01.10.28 hectares) of Block number 9 of Pazhavangadi Village, Ranni Taluk, Pathanamthitta District is owned by Pazhavangadi Grama Panchayat for and on behalf of the KSRTC bus stand. The lands were aquired by the order of the Tahsildar (LA) vide order no. 65/12/D dated 11.01.2012 for the construction of KSRTC Bus Stand Ranni. The land in which the proposed construction lays adjoining to the KSRTC Bus stand and the concrete road connecting Ittiyappara junction bypass road. In the village records the lands mentioned as 'Nilam'. At present the lands are filled and the KSRTC Bus stand is functioning at southern side of the land. Sri. K.O. Johny filed WP(C) 13713/19 before the Hon'ble High Court of Kerala praying to prohibit the Construction of

20000M² building without properly assessing environment Impact. The proposed Construction of Pilgrims Amenity Centre ('idathavalam') was deferred by the Hon'ble High Court of Kerala vide judgment WP(C) 13713/2019 dated 24/06/2019.

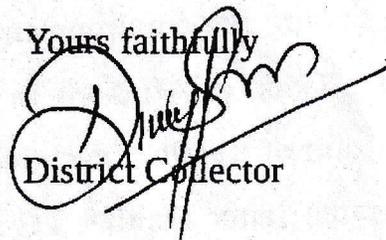
Mr. K.O Johny filed a complaint before the District Collector, Pathanamthitta stating that no environmental impact assessment study has been conducted before the construction of the multy utility centre in the said land. District Collector conducted an enquiry through the Sub Collector, Thiruvalla, Secretary, Pazhavangadi grama Panchayat and obtained the report that land was aquired for the construction of KSRTC bus stand and the land is owned by Pazhavangadi Grama Panchayat on behalf of the KSRTC bus stand. The construction of the multi utility centre at the place was under the supervision of Public Works Department of Kerala State. The Construction of the Sabarimala Pilgrim Centre in the said land was on the basis of GO (RT)1184/09/ GAD dated 08/09/09 of Governement of Kerala. Hon'ble High Court of Kerala vide its Judgment in WP(C) 13713/2019 dated 24/06/2019 issued an interim stay order against the construction of the multi utility complex in the said land before assessing the Environment Impact Assessment study. PWD Executive Engineer filed a Counter Affidavit in this case. The case is pending before the Hon'ble High Court of Kerala. Executive Engineer, PWD (Buildings), Pathanamthitta reported as per the letter number D3-3054/2012 dated 11/01/2021 that the Chief Engineer (Buildings) vide order CE/GL/A1/PTA/415/2019 dated 03/12/2019, the construction of 10 and 11th floors of the proposed building have been cancelled due the lack of fund availabilty. Hence the total plinth area of the building will be only 18,720 M² and the environmental assessment and clearance is not required as it is below the limit.

Sr. Ibrahim Karim filed the Original Application no 128/2021 before the Hon'ble Green Tribunal (SZ) with grievance against the ongoing construction of the Multti Utility Complex in the said area. In his application it has been stated that the total construction area 22351.90 M²

Chief Engineer (Buildings) vide order CE/GL/A1/PTA/415/2019 dated 03/12/2019 the construction of 10 and 11th floors of the building have been cancelled due to the lack of fund availability. Hence the total plinth area of the building will be only 18,720 M².

The entire land was recorded as 'nilam' (Wet Land) in the village records and 'Meen muttu para- Aithala' stream passing through southern border of the land. The flow of the stream is is not restricted by the filling of the land for the proposed construction in the said land. The 'Madatharuvi-Clappana thodu' flows at about 800 metres north west from the proposed construction and the stream known as ' Ranni Valiya Thodu' and flow of the stream and its tributary 'Meen Muttupara -Aithala stream' are not obstructed by the filling of the property and the proposed construction. The same is reported before the Joint Committee constituted by the Hon'ble Green Tribunal (SZ).

Yours faithfully



District Collector



भारत सरकार / GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

एकीकृत क्षेत्रीय कार्यालय, बंगलुरु / INTEGRATED REGIONAL OFFICE, BANGALORE

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

F. No. EP/12.7/76/NGT/KER/ 340

03.08.2021

To,

Shri. Jayakumar Sharma, IFS
Divisional Forest Officer (DFO),
Ranni-689 672
Pathanamthitta District, Kerala.

Sub: Inputs from MOEF&CC Regional Office, Bangalore after Joint Committee Inspection in OA No. 128 of 2021-Reg.

Ref: Your letter No. C2-3608/2021 dated 15.07.2021 regarding the scheduled Field Inspection on 28.07.2021.

Sir,

Pursuant to the Joint Inspection conducted in OA No.128 of 2021 on 28.07.2021, and also after evaluation of key inputs received from other Members of the Joint Committee, the following are the inputs from the MoEF&CC Regional Office, Bangalore for incorporation in the Joint Committee Report to be finalized and submitted to Hon'ble NGT, Chennai through the Nodal Agency (DFO, Ranni).

S. No	Issue Raised and Clarification Sought by Hon'ble NGT Vide Its Order Dated 17.06.2021	Remarks
1	Whether the Project of the 3 rd Respondent requires Environmental Clearance and Whether they have obtained the same.	<ol style="list-style-type: none">1. As per Schedule 8 (a) of Environmental Impact Assessment (EIA), Notification 2006, all Building and Construction Projects with a Built-up Area of more than 20,000 Sq. M are required to obtain Environmental Clearance from Kerala State Environmental Impact Assessment Authority (SEIAA).2. During the visit, Project Authorities (PA) have not provided any Detailed Project Report (DPR). Based on the Building Plan made available along with the Petition, it is noted that the total built up area of the Project is 22,351.90 Sq.Mtrs for which EC is required from Kerala SEIAA.3. As per information provided by Kerala SEIAA Vide Letter No. 1456 / A-1 /2018 /SEIAA dated 30.07.2018, it is noted that PA has not obtained Environmental Clearance for the aforesaid project prior to start of construction activities.
2	Whether the 3 rd Respondent had obtained all necessary clearances and permissions for proceeding with the project which is required under EIA Notification, 2006 and other Environmental Laws	<p>During the visit, Project Authorities (PA) have not provided copies of relevant permissions which are required for building projects like the following:</p> <ol style="list-style-type: none">1. EC from Kerala SEIAA

		<ol style="list-style-type: none"> 2. Consent for Establishment (CFE) from Kerala State Pollution Control Board 3. Fire NOC from Fire Department 4. Ground Water/ Bore Well Water Permission from Central/ State Ground Water Authority 5. Building/ Town Plan Approval from Concerned Department 6. Panchayat Approval from Village Panchayat etc. <p>Since, PA has not produced any of these documents during the visit on 28.07.2021, the Nodal Agency (DFO, Ranni) is requested to collect these documents if available from PA else to be considered as Not Obtained and accordingly may be intimated to the Hon'ble NGT in the Joint Committee Report.</p>
3	<p>If any damage has been caused to the environment, then the Committee is also directed to assess the Environmental Compensation required for restoration of the damage caused to the environment.</p>	<p>Based on the records made available and also as noted by the Joint Committee on the day of inspection (28.07.2021), it is noted that PA has initiated the construction activities like levelling of the land and dumping of mud and other materials for land filling without obtaining prior EC from Kerala SEIAA which is a Violation under EIA Notification, 2006.</p> <p>As per the guidelines issued by the Central Pollution Control Board (CPCB), environmental compensation for violating the Provisions of E(P) Act, 1986 has been calculated as per the formula below:</p> <p style="text-align: center;">Environmental Compensation Formula $EC = PI \times N \times R \times S \times LF$</p> <p>Whereas:</p> <p>EC - Environmental Compensation PI - Pollution Index of Industry Sector N - Number days of Violation took place R - A factor in Rs for EC S - Factor for scale of operation LF - Location factor</p> <p>The industrial sectors have been categorized into Red, Orange and Green based on their pollution index in the range of 60-100, 41-59 and 21-40 respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange and Green Categories of industries respectively.</p> <p>N number of days for which violation took place is the period between the day of violation observed/due date of directions compliance and the day of compliance verified by PCB/SPCB/CPCB.</p> <p>R is a factor in rupees, which may be minimum of 100 and maximum of 500.</p> <p>S is based on small/medium/large industries categorization which may be 0.5 for micro or small, 1 for medium and 1.5 for large units.</p>

0825

LF (Location Factor), is based on the population of the city/town

S. No	Population (Million)	LF
1	1 to <5	1.25
2	5 to <10	1.5
3	10 and above	2

Since no definite date for start of the project is available, the letter issued by SEIAA on 30.07.2018 stating that No EC has been obtained by the PA is considered as the date of violation and date of inspection is considered as the last date of violation (i.e., 28.07.2021).

Since this building project is in Orange Category PI is taken as 50; and the number of days from 30.07.2018 to 28.07.2021 are 1094 days; R factor is taken as Rs. 250 (Min 100 and Max 500); S is considered as Small (0.5) and since the population of Ranni is less than 5 Million LF is taken as 1.25

$$EC = 50 \times 1094 \times 250 \times 0.5 \times 1 \times 1.25$$

$$= \text{Rs. } 85,46,875/-$$

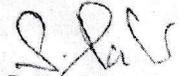
(Rupees Eighty-Five Lakhs Forty-Six Thousand Eight Hundred and Seventy-Five Only).

FINAL REMARKS

In view of the above, based on the observations of the Joint Committee and documentary evidence produced by the project authorities, it is noted that PA has initiated the construction activities without obtaining EC from Kerala SEIAA which is a Violation under EIA Notification 2006 and accordingly Environmental Damage Assessment has been done and Environmental Compensation for an amount of Rs. 85,46,875/- is proposed to be imposed by the Hon'ble NGT.

These issues with approval of Competent Authority.

Yours faithfully,



(Dr. S. Prabhu)
Deputy Director (S)/ Scientist 'C'

Report for submission before the Hon'ble NGT on site the visit conducted on 28.7.2021 to the Building Construction Site of Building Complex having a total construction area of 22,351.90 square meters, in Ittiyappara Town of Ranni in Pathanamthitta District, Kerala.

As per the orders of Hon' National Green Tribunal, Southern Zone, Chennai in the Original Application No. 128 of 2021 (SZ), a Joint Inspection was conducted to the Building Construction site at Ittiyappara Town in Ranni on 28.7.2021.

I have been assigned with the responsibility to look into Point No1, 2 and 8 of the task assigned by the Hon'ble NGT to the Committee. The following observations/ findings, are made at the time of site visit, on the points assigned by the Hon'ble NGT.

Point No 1: Whether 3rd respondent requires Environmental Clearance, whether they have obtained the same.

- i) Yes the project requires Prior Environmental Clearance (EC) .As per the latest information verified from the SEIAA Office, the project proponent has not submitted application for obtaining prior EC, for construction of the above mentioned building project. Thereby the project proponent has not applied/ obtained Prior EC, for the construction activity.

Point No 2: Whether the 3rd Respondent had obtained all necessary clearances and permissions for proceeding with the project, which is required under EIA notification2006 and other environmental laws.

- i. No.
- ii. The proposed building is a Utility Complex, having a total built up area of 22,351.90 square meters, in Ittiyappara Town of Ranni in Pathanamthitta District, Kerala.
- iii. As per schedule 8 (a), of the EIA notification 2006, Building and Construction Projects \geq 20000 sq.m requires, prior Environmental Clearance (EC) from the State Environment Impact Authority (SEIAA), before starting construction activity. The project proponent has not obtained prior EC.
- iv. It is legally required that the project proponent, have to submit an application before the SEIAA, in Form I, Form IA and with a Conceptual Plan of the

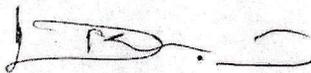
Building Project, for obtaining Prior EC. As the project is coming under B2 category of EIA notification 2006, and the built up area of the building is < 1,50,000 sq m Prior EC from SEIAA ,is required to be obtained.

- v. Clearances/ permissions required to be obtained by the project proponent are, (i) Prior Environmental Clearance (EC) from SEIAA, (ii) Building Permit from the Town and Country Planning Department, (iii) Building permit from the Grama Panchayat, (iv) Integrated Consent to Establish (ICE) from the State Pollution Control Board and (v) permit from the State Fire and Safety Department . During the site visit, it is understood that the project proponent has not obtained, any of the above mentioned Clearances and permissions.

Point No 8: If any damage has been caused to the environment, then the Committee is also required to assess the environmental compensation required for restoration of damage caused to the environment.

The representative of Ministry of Environment, Forests and Climate Change (MoEF&CC), Govt. of India, Regional Office, Bangalore, has agreed to submit details of this aspect. .

The above report is submitted herewith.



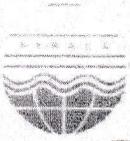
M. Dileep Kumar

Member, SEAC

C/o Office of SEIAA,

\State Environment and Climate Change Department.

Govt. of Kerala



കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

KERALA STATE POLLUTION CONTROL BOARD

ബില്ലറ്റ് ഓഫീസ്, OPP ജനറൽ ആശുപത്രി, KK Nair Road, കുന്നിത്തോട്ടത്തിൽബിരിഡിങ്, പത്തനംതിട്ട-689 645
DISTRICT OFFICE, OPP.GENERAL HOSPITAL, KK NAIR ROAD, BEHIND AVG MOTORS, PATHANAMTHITTA 689645

web site: www.keralapcb.nic - for Online registration, visit-krocmms.nic.in/KSPCB



PCB/PTA/TG/352/2021

02.08.2021

From

Environmental Engineer

To

The Divisional Forest Officer
Divisional Forest Office
Ranni, Pathanamthitta - 689 672.

Sub:- O.A No. 128/2021 before the Hon'ble NGT regarding construction of multi-utility building in Ranni- reg.

Ref:- 1) Joint inspection and meeting conducted on 28.07.2021 by the committee constituted as per order dated 17.06.2021 in O.A 128/2021 of the Honble NGT
2) Minutes of the meeting conducted on 28.07.2021.

Sir,

As decided in the meeting conducted on 28.7.2021, I am to submit the report as follows.

Building constructions having built up area more than 2000 m² come under the consent purview of the Board and have to obtain Consent to Establish/Consent to Operate of the Board under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986. Application for Consent to Establish for the multi utility project mentioned in the above OA has not been submitted so far in this office.

The impacts likely to be caused on a account of construction are 1) Habitat loss 2) Possibility of flood and change in ground water levels, flow regimes. 3) Air, Water and Noise pollution due to construction activities and land filling. 4) Agriculture loss, if agriculture was done in the site. 5) Erosion and surface water contamination due to silt run off from construction site.

During joint inspection conducted on 28.07.2021 it was noticed that land filling was done and piling works just started. Report on nature of damage, if any caused to the environment and remedial measures to be taken for the purpose of restoration of damage to the environment will be submitted by the member from MoEF & CC.

Yours faithfully,

ENVIRONMENTAL ENGINEER

No. E2-110/2012

Office of the Assistant Executive Engineer
 Minor Irrigation Sub Division, Pathanamthitta.
 Email ID- ptamisubdivision@gmail.com
 Dated. 03/08/2021

From

Assistant Executive Engineer

To

The Divisional Forest Officer,
 Ranni

Sir,

Sub: - 1. Order of Honorable NGT in the matter of OA 128/2021 filed by
 Sri.Ibrahim Karim - reg :-

Ref:- 1. Meeting held on 28/07/2021 and field visit on the same day .
 2. This office Email Even No. Dated: 02/08/2021.
 3. Minutes of the Join Committee meeting on 28/07/2021.

This is in continuation of above reference (2). As per the 3rd reference
 I am submitting the reply on the action points arised.

1. Whether the construction of the project falls within the flood plain of stream – Clappana –
 Madatharuvi stream cum Wetland basin?

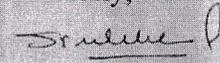
Ans. Yes , the site falls within the flood plains of Meenmuttupara –Aithala
 stream Passing through Southern border of the land which merges with RanniValiyathodu.
 RanniValiyathodu is a tributary of Pampa river. The Clappana – Madatharuvi thodu flows at
 about 800m North West from the proposed site also joins RanniValiyathodu. Both the
 streams are not obstructed by the filling of the property and the proposed construction.

2. Whether necessary permission if any required has been obtained for the construction of any
 building in the flood plain of the stream or river?

Ans. No permission has been taken from Irrigation Department for
 construction of any building in the flood plains of the stream or river.

Submitted for further necessary action.

Yours faithfully,



Assistant Executive Engineer

Counter Signed by

The Executive Engineer, Minor Irrigation Division, Pathanamthitta.

No. E2-110/2012

Office of the Assistant Executive Engineer
 Minor Irrigation Sub Division, Pathanamthitta.
 Email ID- ptamisubdivision@gmail.com
 Dated. 02/08/2021

From

Assistant Executive Engineer

To

The Divisional Forest Officer,
 Ranni

Sir,

Sub: - 1. Order of Honorable NGT in the matter of OA 128/2021 filed by
 Sri.Ibrahim Karim - reg :-

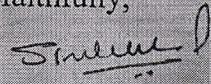
Ref:- 1. Meeting held on 28/07/2021 and field visit on the same day –
 Report Submitted – Reg :-

With reference to above, I have been asked to submit a report on the point 8(IV) of the order of Honorable NGT. I have enquired and discussed with Assistant Executive Engineer, Irrigation Sub Division, Pathanamthitta (Major Irrigation) and our field officer Assistant Engineer, Minor Irrigation Section, Ranni and report as follows:-

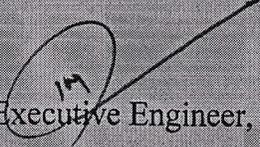
8 (IV). No permission has been taken from Irrigation Department for construction of any building in the flood plains of the stream or river.

Submitted for further necessary action.

Yours faithfully,


 Assistant Executive Engineer

Counter Signed by


 The Executive Engineer, Minor Irrigation Division, Pathanamthitta.











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

OA No. 128 of 2021 (SZ)

IN THE MATTER OF

Ibrahim Karim, Munnar

... Applicant(s)

Versus

State of Kerala and Ors.

...Respondents

**JOINT COMMITTEE REPORT FILED
BY THE DISTRICT FOREST OFFICER
(DFO), PATHANAMTHITTA**

M/s. E.K.KUMARESAN
Standing counsel for Kerala(SZ)
Counsel for R1, R3, R4 and R6