

**Report of the Joint Committee Constituted by Hon'ble National Green Tribunal (NGT), Southern Zone, Chennai in OA No. 136 of 2016 Filed by Capt. B.S. Prakash Vs Union of India & Others**

**1. PREAMBLE**

The Hon'ble National Green Tribunal (NGT) in its order dated 18.03.2020 in OA No. 136 of 2016 directed constitution of a Joint Committee to ascertain the present status as follows: *"we feel it appropriate to appoint a joint committee comprising of a Senior Officer from Regional Office, Ministry of Environment, Forest and Climate Change (MoEF&CC), Bangalore, a Senior Officer of the Kerala State Coastal Zone Management Authority and a Senior Officer from the Kerala State Pollution Control Board to inspect the project in question and submit a present status report and if there is any violation found regarding the conditions imposed including the Coastal Zone Regulation, then they should also mention what is the proposed action, in respect of such violation.*

*If there is any damage caused to environment on account of the violation, then the committee is also directed to impose environmental compensation against the seventh respondent for the violations, on any of the conditions imposed in the environmental clearance as well as the Coastal Zone Clearance granted in respect of the project as has been directed by this Tribunal in several cases of this nature on the basis of the guidelines given by the Central Pollution Control Board in this regard".*

*Regional Office of Ministry of Environment, Forest and Climate Change (MoEF & CC) Bangalore will act as nodal agency for co-ordination and for providing all necessary logistics for this purpose".*

## **2. COMPOSITION OF THE JOINT COMMITTEE**

As per the directions of Hon'ble NGT, a Joint Committee was constituted with the following Members:

<b>S. No</b>	<b>Name and Designation</b>	<b>Organization/ Department</b>
<b>1</b>	<b>Dr. Murali Krishna</b> Scientist-D	Nominee from Integrated Regional Office, Ministry of Environment, Forest and Climate Change Bangalore
<b>2</b>	<b>Dr. S. Prabhu</b> Scientist-C	
<b>3</b>	<b>Dr. Richard Scaria</b> Member, KCZMA	Nominee from Kerala Coastal Zone Management Authority
<b>4</b>	<b>Dr. Lakshmi P.M</b> Environmental Scientist, Department of Environment & Climate Change	
<b>5</b>	<b>Smt. Sheeba MS,</b> Chief Environmental Engineer	Nominee from Kerala State Pollution Control Board



**Fig:1- Joint Committee Inspection of the Project Site on 19.11.2020**

### **3. MANDATE OF THE JOINT COMMITTEE**

In order to ascertain the present status as per directions of Hon'ble NGT, a joint committee comprising of a Senior Officer from Regional Office, Ministry of Environment, Forest and Climate Change (MoEF & CC), Bangalore, a Senior Officer of the Kerala State Coastal Zone Management Authority and a Senior Officer from the Kerala State Pollution Control Board to inspect the project in question and submit a present status report and if there is any violation found ***regarding the conditions imposed including the Coastal Zone Regulation, then they should also mention what is the proposed action, in respect of such violation.***

If there is any damage caused to environment on account of the violation, then the committee is also ***directed to impose environmental compensation against the seventh respondent for the violations, on any of the conditions imposed in the environmental clearance as well as the Coastal Zone Clearance*** granted in respect of the project as has been directed by this Tribunal in several cases of this nature on the basis of the guidelines given by the Central Pollution Control Board in this regard.

### **4. BRIEF ABOUT THE PROJECT**

M/s Green Gateway Leisure Limited (GGLL) is the special purpose vehicle formed by M/s Air Travel Enterprises (ATE) for executing the project Bekal Beach Resort and Spa. The proposal relates to construction and development of a resort and spa in Survey No.117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 133 and 134 of Kikan Village 1(P) of Chittari at Bekal in Kasargod District, Kerala in 58 acres of leased land. Total built area of the project was envisaged to be 19041m<sup>2</sup> with 137 cottages. As per the clearance granted under CRZ 1991, the project site falls in Coastal Regulation Zone (CRZ)–III area. Total water requirement for the project was envisaged to be 60,000 l/day.

## **5. ENVIRONMENTAL CLEARANCE AND KERALA COASTAL ZONE MANAGEMENT AUTHORITY CLEARANCE**

This project has obtained Environmental Clearance (EC) under the Coastal Regulation Zone (CRZ) Notification, 1991 from the Ministry of Environment, Forest and Climate Change (MoEFCC) vide No. 16-4/2008 IA-III dated 02.01.2009 **(Copy enclosed as Annexure R-1)** pursuant to the recommendations of Kerala Coastal Zone Management Authority (KCZMA) vide its letter No. 152/ENV/06/CZMA dated 18.11.2006 **(Copy enclosed as Annexure R-2)**.

During the visit, the **Joint Committee noted that the validity of the Environmental Clearance granted by the Ministry was valid for a period of 5 years and validity expired on 01.01.2014. On the day of Joint Committee visit, no construction activities noted, and the entire project site was filled with dense grass and bushes of about 5-6 feet except some walkways.**

## **6. CONSENT FOR ESTABLISHMENT FROM KERALA STATE POLLUTION CONTROL BOARD**

Based on verification of records provided by Kerala State Pollution Control Board, the Joint Committee noted that M/s. Bekal Beach Resort & Spa has obtained Integrated Consent to Establish vide No. PCB/HO/KSGD/ICE/7/08/08 dated 14.08.2008 which was valid up to 13.08.2011 and further got renewed in 2012 (PCB/HO/KSGD/ICE-R/01/2012 dated 09.11.2012 valid up to 30.06.2015) and in 2016 (PCB/HO/KSGD/ICO-R/01/2016 dated 19.01.2016 valid up to 30.06.2018). **(Copy of the integrated consent to establish are enclosed as Annexure R-3)**

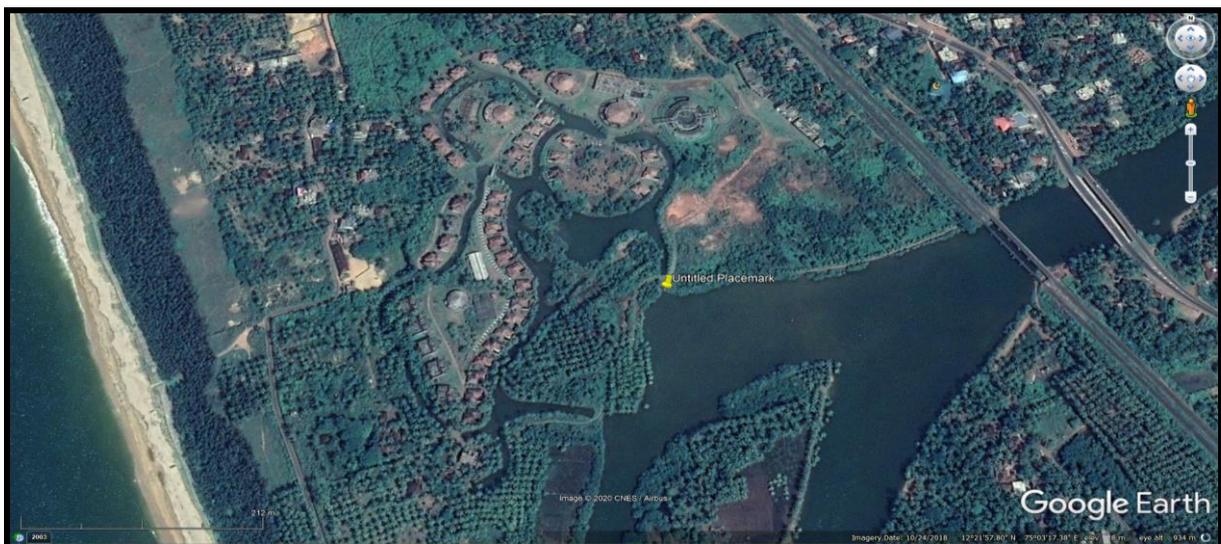
**Joint Committee noted that the validity of the Consent issued by KSPCB got expired on 30.06.2018 and project authorities did not have a valid consent to undertake any further operations in the project site.**

## **7. STATUS OF THE PROJECT**

The Joint Committee on the day of site visit noted that the construction of the project had been abandoned in halfway and only 40-50% of the buildings have been constructed and the project is not in operation. Dense growth of grass and bushes all over the project site was observed and no labour found to be working in the project area. Further, examination of previous reports and records indicated that the project is not operating, and all operations have been abandoned since last few years. The Joint Committee also noted that this project site was monitored by KCZMA, MoEFCC and KSPCB on several occasions like on 28.10.2016, 11.03.2017, 09.08.2018 and on 09.06.2020.



**Fig.2 & 3 Present status of Project Site & New Canal in Project Site**



**Fig.4 Google Earth Map of Project Site as on 24.10.2018.**

## **8. APPROACH ADOPTED BY THE JOINT COMMITTEE**

Based on the Orders of the Hon'ble NGT (SZ), nominations were sought from KCZMA and KSPCB by MoEFCC, Integrated Regional Office, Bangalore being the Nodal Agency and accordingly, nominations were received from concerned authorities. Pursuant to receipt of nominations, the Joint Committee initially planned for a site inspection on 24.06.2020.

However, due to the increased number of COVID-19 cases in Kerala especially in and around the project site and there by restrictions, the visit could not be undertaken. However, a preliminary meeting was convened through videoconference on 14.08.2020 (**Copy of the minutes of the meeting are enclosed as Annexure R-4**) and based on discussions again visit was planned during August 18-19, 2020 and on September 16, 2020 which were also had to be postponed due heavy rains and flooding in the region and also due to non-availability of public transport apart from the project site to be in containment zone with several travel restrictions.

As per the discussions held during video-conference, all concerned agencies have gathered requisite information related to the project based on available records; previous monitoring reports from various agencies, reports of Centre for Earth Science Studies etc. were also referred apart from usage of digital technologies (google maps) and a personal site visit was undertaken on 19.11.2020 to ascertain the facts in the matter. During the visit, Smt. Anita Koyan, Environmental Engineer, KSPCB represented the Committee on behalf of Smt. Sheeba, Chief Environmental Engineer, KSPCB who could not join the inspection due to some pre-occupied commitments.

## **9. KEY ISSUES RAISED IN THE COMPLAINT AND REMARKS OF THE JOINT COMMITTEE**

### **A. MORE THAN 28 BORE-WELLS HAVE BEEN DUG IN THE PROJECT SITE FOR DRAWL OF GROUND WATER FOR CONSTRUCTION PURPOSE WITHOUT APPROVAL.**

#### **Remarks of the Joint Committee:**

- The Joint Committee on the day of the visit, noted that construction of the project was abandoned halfway, and the project was not in operation since past 2-3 years and heavy bushes and grass of more than 5-6 feet has grown all over the project site area except some natural walkways. The Committee has searched for the existence of bore wells in the project site but could not locate any.
- The Committee noted that M/s. GGLL has executed an agreement with Kerala Water Authority Vide No. KNG 20/ 2014-15 dated 07.09.2014 for supply of water to the project for non-domestic purposes (**copy of the agreement enclosed as Annexure R5**).
- **Accordingly, the Joint Committee concludes that there is no substantial evidence to prove that there exist bore-wells in the project site for drawl of ground water.**



**Fig 5 & 6: - Dense bushes and grass in the entire project site**

## **B. SEWAGE TREATMENT PLANT (STP) NOT INSTALLED**

### **Remarks of the Joint Committee:**

- The Joint Committee on the day of the visit noted that the project has not been completed yet and not in operation. Hence, there is no generation of sewage and accordingly, the project authorities have not installed a Sewage Treatment Plant (STP) till date.
  
- The Committee also noted that the Consent for Establishment (CFE) accorded by Kerala State Pollution Control Board (KSPCB) has also expired on 30.06.2018.
  
- **The Committee also noted that the project has not been completed yet and about 40-50% of the project work is still pending and prior to operationalization of this project, project authorities have to invariably establish an STP, without which they will not be able to obtain Consent to Operate (CTO) from KSPCB.**

## **C. HALF YEARLY COMPLIANCE REPORTS NOT SUBMITTED TO REGIONAL OFFICE OF MOEFCC**

### **Remarks of the Joint Committee:**

- The Joint Committee based on the records made available noted that the Project Authorities have not submitted Half Yearly Compliance Reports (HYCR's) at regular basis during the EC validity period to the Regional Office of the Ministry.

## **D. VALIDITY OF ENVIRONMENTAL CLEARANCE EXPIRED**

### **Remarks of the Joint Committee:**

- The Joint Committee based on the records made available noted that this project has obtained clearance under CRZ 1991 from the Ministry of Environment, Forest and Climate Change (MoEFCC) vide No. 16-4/2008 IA-III dated 02.01.2009 and the validity of the clearance got expired on

01.01.2014 and if project authorities wishes to undertake any construction activity in the project site has to invariably obtain fresh clearance again from the Ministry.

- The Joint Committee on the day of visit noted that no construction activity was going on based on physical verification, it was noted that at least from past 2-3 years no project work was going on.

#### **E. DIGGING/EXCAVATION OF EARTH TO CREATE NEW WATER CANAL WITH WIDTH OF 10M AND ABOVE WITHIN 500 MTS FROM HIGH TIDE LINE (HTL)**

##### **Remarks of the Joint Committee:**

- The Joint Committee based on the records evidenced during the inspection held on 19.11.2020 noted that few water canals have been constructed artificially in the project site and water has been diverted into the resort from the adjacent Chittari River and the same has been noted as per Google Images. Relevant Google Images from 2003 onwards and photos enclosed as **Annexure R-6**.
- The Committee noted that a Senior Scientist, KSCSTE inspected the project on 28.10.2016 (**enclosed as Annexure R-7**) and noted the following:

*“large scale digging/ excavation of earth to create new water canals with width of 10m and above within 500 m from HTL was noted. The CRZ Notification 1991 clearly states that “Extraction of sand, levelling or digging of sandy stretches except of foundation of building, swimming pool shall not be permitted within 500 m of HTL of sea and hence the digging within 500 m from HTL amounts to violation of provisions of CRZ Notification”.*

*“These canals are connected to the river having tidal influence from sea. These canals have tidal influence from sea and hence on the banks from high tide line (HTL) landward equivalent to the distance of the canal will be*

*No Development Zone. The distance from the HTL to the existing construction made in many places is less than the width of the canal newly created. Those constructions would be partly in NDZ. The Google images of 2003 and 2015 given below in Fig 1 and 2 will provide the excavation taken and modifications done. This will also amount to violations”.*

- The above inspection reports have been forwarded to Ministry in 2017 and the same has been appraised to Hon’ble NGT, which has been recorded in its Order dated 18.03.2020.
- Based on verification of records, the Joint Committee noted that Ministry has sought clarification from project authorities regarding the details of water body development and its potential impact on environment prior to issue of clearance, for which project authorities vide their Letter GGL/GG2/BEKAL-IV/2008-09/41 dated 08.09.2008 **(enclosed as Annexure R-8)** have informed the following:

*“The plot of land leased to GGL by BRDCL (Department of Tourism) has a total area of 23.61 ha (approx. 58.37 acres). On the Southern side is situated Chittari river. An irrigation inlet canal was laid many years ago for a small length into the plot. The inlet has a shutter regulator at the river mouth. The inlet and the regulator have been lying defunct for many years now. However, the GGL has proposed to retain the inlet canal and the width of this small canal on either side as “No Development Area” since the intention is not to alter the existing major geographical features in the area.*

*A major part of the central area of the site falling within 200 m and 500 m of HTL is low lying with a shallow bowl-shaped formation. This are used to be waterlogged during rains (almost 4 months of a year). Conversion of this area of the plot would require huge quantities of earth spoil to be brought in from outside. Moreover, such filling up may alter the existing terrain of the land. Alternatively, an acceptable proposal was mooted to retain this central piece of land as bowl shaped, if necessary, with a little*

*more earth work, to function as a large central shallow pool and a water harvesting tank". **However, against the above, the project authority has created few water canals artificially without clearance from Ministry/ KCZMA.***

- The Committee opined that the CRZ details on field, the exact length of canal created within CRZ area etc. need to be ascertained by engaging agency authorized for HTL demarcation and CRZ mapping like National Centre for Earth Science Studies (NCESS), Trivandrum, National Centre for Sustainable Coastal Management (NCSCM), Chennai or Institute of Remote Sensing (IRS), Anna University, Chennai for working out environmental compensation. KCZMA in consultation with MoEFCC, Department of Mining & Geology, Department of Irrigation, Department of Revenue, and other concerned line Departments can initiate appropriate enforcement action as per powers conferred to them under Environment (Protection) Act, 1986.

## **9. CONCLUSION AND FINAL REMARKS**

The Joint Committee constituted by Hon'ble NGT (SZ), Chennai after verification of available records and based on the assessment undertaken during physical inspection, conclude the following:

- A. The construction of the project has been abandoned in halfway and only 40-50% of the buildings have been constructed and the project is not in operation since past 2-3 years. Dense growth of grass and bushes all over the project site was observed and no labour found to be working in the project area on the day of visit.
- B. The validity of the clearance granted by the Ministry and Consent to establish granted by KSPCB have expired in 2014 and 2018 respectively. Any further construction/ project activity needs a fresh clearance from KCZMA, Ministry as well as Consent from KSPCB.

- C. The Joint Committee opined that there is no substantial evidence to prove the existence of any bore wells in the project site and based on verification of records, the Committee noted that the project authorities have entered into an agreement with Kerala Water Authority for supply of water for non-domestic purposes.
  
- D. The project has not been completed yet and not in operation. Hence, there is no generation of sewage and accordingly, the project authorities have not installed a Sewage Treatment Plant (STP) till date.
  
- E. It was noted that new canals that are tidal influenced have been created without obtaining prior clearance either from MOEFCC or KCZMA in the project site as part of landscaping and part of which falls within CRZ area. the CRZ details on field, the exact length of canal created within CRZ area etc. need to be ascertained by engaging agency authorized for HTL demarcation and CRZ mapping like National Centre for Earth Science Studies (NCESS), Trivandrum, National Centre for Sustainable Coastal Management (NCSCM), Chennai or Institute of Remote Sensing (IRS), Anna University, Chennai for working out environmental compensation. KCZMA in consultation with MoEFCC, Department of Mining & Geology, Department of Irrigation, Department of Revenue, and other concerned line Departments can initiate appropriate enforcement action as per powers conferred to them under Environment (Protection) Act, 1986.

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**Dr. Richard Scaria**  
Member,  
Kerala Coastal Zone Management  
Authority  
Thiruvananthapuram, Kerala

**Smt. Anitha Koyan**  
Environmental Engineer  
Kerala State Pollution Control Board  
Kannur, Kerala

**Dr. Murali Krishna**  
Scientist-D  
Integrated Regional Office  
Ministry of Environment, Forest and  
Climate Change, Bangalore,  
Karnataka

**Dr. S. Prabhu**  
Scientist-C  
Integrated Regional Office  
Ministry of Environment, Forest and  
Climate Change, Bangalore,  
Karnataka

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No.16-4/2008-IA-III  
 Government of India  
 Ministry of Environment & Forests  
 (IA-III Division)

12

Paryavaran Bhawan,  
 CGO Complex, Lodi Road,  
 New Delhi – 110 003.

Dated the 2<sup>nd</sup> January, 2009

Sub: Development of a resort and spa in Survey No.117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 133 and 134 of Kikan Village 1(P) of Chittari at Bekal in Kasargod District, Kerala by M/s Green Gateway Leisure Limited - Environmental clearance - regarding.

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Reference is invited to the letter No.152/ENV/06/CZMA, dated 18.11.2006 from the Forests, Ecology & Environment Department, Government of Kerala and No.GGL/GG1/BEKALIV/2008-09/19, dated 5.7.2008, dated 8.7.2008, No.GGL/GG1/BEKAL-IV/2008-09/41, dated 8.9.2008 and No.GGL/GG1/BEKAL-IV/2008-09/4, dated 25.9.2008 from M/s Green Gateway Leisure Limited regarding the subject mentioned above. Subsequent information provided vide letter No.GGL/GG1/BEKALIV/2008-09/66, dated 15.11.2008, from M/s Green Gateway Leisure Limited and No.BRCO/PJT/LA27/RS-2/2008/1404, dated 22.12.2008 from M/s Bekal Resorts Development Corporation Limited certifying that M/s Green Gateway Leisure Limited is the special purpose vehicle formed by M/s Air Travel Enterprises (ATE) for executing the project Bekal Beach Resort and Spa in plot No.RS2 lease to M/s Air Travel Enterprise has also taken into account.

2. The proposal is for construction of development of a resort and spa in Survey No.117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 133 and 134 of Kikan Village 1(P) of Chittari at Bekal in Kasargod District, Kerala in 58 acres of leased land. Total built area of the project is 19041m<sup>2</sup>. 137 cottages are proposed for the project. The site falls in Coastal Regulation Zone –III area. 144kg/day is expected to be generated from the project. Bio-degradable waste will be composted. Total water requirement for the project is 60,000l/day @150 L PCD for 400 persons (about 100 cu m). Access to the site thorough 8m asphalted road. Capital cost of the project is Rs.2200 lakhs.

3. The proposal was considered by Expert Appraisal Committee at its meeting held on 21<sup>st</sup> and 22<sup>nd</sup> August, 2008 and has recommended. The proposal has been examined in this Ministry and environmental clearance under the Coastal Regulation Zone Notification, 1991 to the project is hereby accorded, subject to the effective implementation of the following terms and conditions and the general conditions contained in the Annexure:-

There shall be no groundwater drawal.

- ) The wastewater shall be treated and reused for gardening / toilet flushing. No wastewater shall be discharged into the coastal area or the creek without treatment.
- i) The construction shall be carried out in accordance with Coastal Regulation Zone Notification, 1991

alongwith Floor Space Index as existed on 19.2.1991.

- o) The proponent shall obtain necessary clearances from the concerned agencies for D.G set. All the conditions stipulated by the Forests, Ecology & Environment Department, Government of Kerala vide their letter No.152/ENV/06/CZMA, dated 18.11.2006 shall be strictly adhered to.
- o) No Objection Certificate from the Kerala State Pollution Control Board shall be obtained before initiating the project.
- o) No constructions shall be carried out between 200 mts from the High Tide Line except for those activities which are permissible under the said notification.
- o) No construction including compound wall shall be carried out in 0-200 m from High Tide Line.
- o) Floor Space Index for the construction shall be as existed on 19.2.1991.
- o) The height and coverage of the construction shall be provided in accordance with existing Floor Space Index/Floor Area Ratio norms as per the Coastal Regulation Zone Notification, 1991.
- o) No basement shall be constructed without the permission of Groundwater Board.
- o) Green belt shall be taken up in the area between High Tide Line to 200 mts with suitable plantations/trees which provide protection against cyclonic conditions.
- o) There shall be no withdrawal of groundwater within 500 m from the High Tide Line for the purpose of the project. No tapping of groundwater shall be done to meet the water requirement for the project activity.
- o) The water shall be recycled and reused for non-contact purposes and horticulture/car washings etc.
- o) Rainwater harvesting system shall be carried out. The proponents shall make necessary arrangements for harvesting of roof top rainwater to meet atleast 50% of water requirement.
- o) The project shall not be commissioned till the requisite quantity of water is made available by the local Municipal Corporation/other sources.
- o) Energy saving electrical systems shall be installed.
- o) The project shall not be commissioned till the requisite quantity of power is made available by the State Electricity Department, Government of Kerala. The DG sets shall not be used on a routine basis to meet the regular power requirement of the project.
- o) Solid waste generated from the hotel complex shall be segregated and composting carried out for the biodegradable. The non-biodegradable shall be disposed of as per local bye laws.
- o) A sewage treatment plant shall be set up within the resort complex to treat the effluent generated from the resort. The treated effluent shall meet the standards laid down by the Pollution Control Board before it is discharge. Solid waste generated shall be disposed off as per the norms laid down by Kerala Pollution Control Board.
- o) Public access to the beach on both sides of the hotel project shall be provided, in accordance with the guidelines for development of beach resorts contained in Annexure II of the Coastal Regulation Zone Notification, 1991.
- o) The Ministry reserves the right to revoke the clearance, if implementation of the terms and conditions stipulated is not satisfactory. This Ministry or any other competent authority may also modify or alter the stipulated conditions or may stipulate any other additional conditions for

environmental protection, subsequently, if deemed necessary.

xii) Any appeal against this environmental clearance shall lie with the National Environment Appellate Authority, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Act, 1997.

4. The Regional Office of the Ministry located at Bangalore will monitor implementation of the above conditions. Necessary information/data shall be provided by the project proponents to the staff of the Ministry during their inspection. The project proponents shall send a six monthly report to the Ministry's Regional Office regarding their compliance with the above conditions.

5. These stipulations will be enforced among others, under the provisions of the Coastal Regulation Zone Notification dated 19.2.1991 and the subsequent amendments issued to the Notification, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. The project authorities shall also ensure that the construction complies with the orders of the Supreme Court passed on 18.4.1996 in the W.P. (C) No. 664 of 1993 to the extent it applies to this case and also the provisions of the Coastal Zone Management Plan of Kerala approved by this Ministry.

(Dr. A. Senthil Vel)  
Additional Director

To

**The Chairman,**  
Kerala State Coastal Zone Management Authority,  
Government of Kerala,  
Science, Technology & Environment Department,  
Sasthra Bhavan, Pattom, Thiruvananthapuram-4.

Copy to:

1. The Secretary, Ministry of Road Transport & Highways, Transport Bhavan, 1, Parliament Street, New Delhi -110001.
2. The Chief Town Planner, Town and Country Planning Department, Government of Kerala, Thiruvananthapuram.
3. The Chairman, Central Pollution Control Board, Parivesh Bhavan, CBD-cum- Office Complex, East Arjun Nagar, Delhi -110032.
4. The Chief Conservator of Forests, Ministry of Environment & Forests, Kendriya Sadan, 4<sup>th</sup> Floor, E&F Wings, 17<sup>th</sup> Main Road, 1<sup>st</sup> Block, Koramangala, Bangalore - 560 034.
5. Managing Director, M/s Berggruen Hotels Private Limited, Span Centre, 6<sup>th</sup> Floor, C-556, South Avenue, Santacruz (W), Mumbai-400054.
6. Chairman, M/s Green Gateway Leisure Limited, 1<sup>st</sup> Floor, New Corporation Buildings, Palayam, Trivandrum-695033.
7. Director (EI), Ministry of Environment & Forests, New Delhi.
8. The Regional Office Cell, MoEF.
9. Guard File.
10. Monitoring File

(Dr. A. Senthil Vel)  
Additional Director

**KERALA COASTAL ZONE MANAGEMENT AUTHORITY**

GOVERNMENT OF KERALA

Sasthra Bhavan, Pattom

Thiruvananthapuram - 4.

Phone : 0471-2543701-05, Fax : 0471-2540085

E-mail : info@kscste.org website : www.kscste.org

No.152/ENV/06/CZMA

18.11.2006

From

Chairman, KCZMA and Ex-officio  
Principal Secretary, S&TD

To

The Secretary  
Ministry of Environment and Forests  
Paryavaran Bhavan, CGO Complex  
Lodhi Road, New Delhi.

Sir,

Sub : Construction of Resort at Bekal by M/s. Air Travel Enterprises India  
Ltd. - CRZ Clearance - reg

Ref : Letter No. ATE/CORP/028/2006-2007 dated 19<sup>th</sup> April 2006 from the  
General Manager - Projects, M/s Air Travel Enterprises India Ltd.

The M/s Air Travel Enterprises India Ltd has submitted a proposal for construction of a resort at Bekal for CRZ clearance. Bekal Resort Development Corporation (BRDC) Ltd. has allotted 45.04 acres of land in Chittari and Keekan village of Kasaragod district to the M/s Air Travel Enterprises India Ltd for the proposed beach resort. The proposed site lies on the banks of Chittari/Kuthirani river in Kikan in Ajanoor panchayath about 4 Km south of Bekal promontory. The site is covered in Map No.73 of the Coastal Zone Management Plan. The CRZ status report has been prepared by CESS for demarcating low Tide Line (LTL) and High Tide Line (HTL) in the cadastral maps for the proposed site. A major part of the project site is within CRZ - III. There are a few sand dunes in the project site which are classified in CRZ I(i). As per the provisions of CRZ notification Resort Development is permissible outside the No Development Zone in CRZ - III subject to the conditions.

The Kerala Coastal Zone Management Authority (KCZMA) in its 19<sup>th</sup> meeting has examined the proposal in detail and decided to recommend the construction of Resort at Bekal by M/s Air Travel Enterprises India Ltd. to the Ministry of Environment and Forests, Government of India subject to following conditions :

(a) **General**

- (i) The construction of the structures, if any, may be undertaken as per the plans approved by the concerned local authorities, in confirmation with the existing local and central rules and regulations including the provisions of CRZ notification.
- (ii) All safety norms would be ensured and proper arrangements may be made for providing fire extinguishers and other equipment as per the relevant regulations/guidelines of the state/central authorities.
- (iii) The project proponent should send an annual report of the project every year to this Authority.

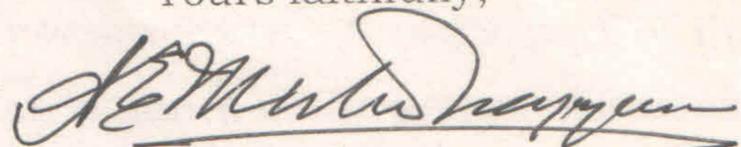
(b) **Specific to CRZ**

- (iv) The project proponent shall not undertake any construction within 200 metres in the land-ward side from the High Tide Line and within the area between the Low Tide and High Tide Lines;
- (v) Live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
- (vi) No flattening of sand dunes shall be carried out;
- (vii) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
- (viii) construction of basements may be allowed subject to the condition that no objection certificate is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect free flow of ground water in that area. The State Ground Water Authority shall take into consideration the guidelines issued by the Central Government before granting such no objection certificate.
- (ix) The total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the FSI shall not exceed 0.33. The open area shall be suitably landscaped with appropriate vegetal cover;
- (x) The construction shall be consistent with the surrounding landscape and local architectural style;
- (xi) The overall height of construction upto the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than 2 floors (ground floor plus one upper floor);

- (xii) Ground water shall not be tapped within 200 m of the HTL; within the 200 metre 500 metre zone it can be tapped only with the concurrence of the Central/State Ground Water Board;
- (xiii) Extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500 metres of the High Tide Line;
- (xiv) The quality of treated effluents, solid wastes, emissions and noise levels etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environment (Protection) Act, 1986;
- (xv) Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent/solid waste shall be discharged on the beach;
- (xvi) To allow public access to the beach, atleast a gap of 20 metres width shall be provided between any two hotels/beach resorts; and in no case shall gaps be less than 500 metres apart; and
- (xvii) Approval of the State Tourism Department shall be obtained.
- (xviii) Payment of scrutiny fee for Rs.5 lakh.

The project proponent has remitted the scrutiny fee for Rs.5 lakh, the CRZ status report with necessary documents are also forwarded, herewith, for the consideration of the Ministry of Environment & Forests, Government of India. The CRZ clearance from the Ministry of Environment and Forests, Government of India for proposed construction of Resort at Bekal by M/s Air Travel Enterprises India Ltd. may please be issued at the earliest.

Yours faithfully,



Dr. A.E. Muthunayagam  
Chairman KCZMA

Copy to : The General Manager  
Air Travel Enterprises India Limited  
New Corporation Building  
Palayam  
Thiruvananthapuram - 33.

FILE NO. - PCB/HO/KSGD/ICE/8738/06/08



**KERALA STATE POLLUTION CONTROL BOARD**

**CONSENT TO ESTABLISH**

ISSUED UNDER

Section 25 of the Water (Prevention & Control of Pollution) Act, 1974  
Section 21 of the Air (Prevention & Control of Pollution) Act, 1981  
The Environment (Protection) Act, 1986

TO

SRI. E.M. NAJEEB  
CHAIRMAN  
GREEN GATEWAY LEISURE LIMITED  
F-7, CRESENT GARDENS, ALTHARA NAGAR  
VELLAYAMBALAM  
THIRUVANANTHAPURAM - 695 010

(for BEKAL BEACH RESORT & SPA, CHETTUKUND,  
KASARAGOD)

Consent no. PCB/HO/KSGD/ICE/7/08/08  
Dated. 14.08.08

648

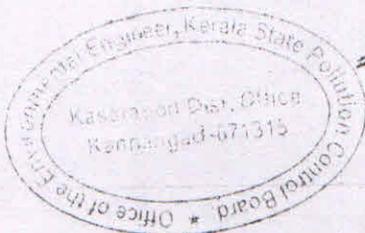
1/9/08

*True Copy*  
*[Signature]*



## 1. GENERAL

1	VALIDITY	13.08.2011
2	Name and Address of the establishment	BEKAL BEACH RESORT & SPA CHETTUKUND, BEKAL P.O. KASARAGOD
3	Communication	Telephone: 0471-3011666 Fax : 0471-3011670 e-mail : uvjose.gg@ategroup.org Website : www.greengatewayleisure.com
4	Occupier details	Sri. E.M. Najeeb, Chairman Green Gateway Leisure Limited F-7, Crescent Gardens, Althara Nagar Vellayambalam Thiruvananthapuram - 695 010
5	Survey Number	Annexure I
6	Village	Chittari village and Keekan village
7	Taluk	Hosdurg
8	District	Kasaragod
9	Panchayat	Pallikkara Grama Panchayat
10	Category	Orange
11	Scale	-
12	Annual fee	Rs. 80,000/-
13	Fee remitted	Rs. 2,40,000/-
14	Capital Investment	Rs. 27.54 crores
15	Water consumption	350000 litre/day
16	ACTIVITY	Development of resort in 45.04 acres of land involving construction of low rise villas with 175 rooms, SPA, swimming pool, restaurant, reception and service block  Total built-up area: 204973 sq.ft DG set: 2 nos. 500 KVA each



## 2. CONDITIONS

- 2.1. This consent is granted subject to the power of the Board to review and make variation in all or any of the conditions.
- 2.2. This consent, unless withdrawn earlier and subject to Condition no. 2.1, shall be valid for 3 years from the date of issue. At the end of the validity period if the construction is in progress, the same shall be got renewed. If the construction is not started in the consent period, the applicant shall apply afresh for consent to establish.
- 2.3. The applicant shall comply with the instructions that the Board may issue from time to time regarding prevention and control of air, water, land and sound pollution.
- 2.4. The date of commissioning shall be intimated, at least one month in advance, to the District Office of the Board at Kasaragod.
- 2.5. Consent to Operate/Authorisation shall be obtained under the Water (Prevention and Control of Pollution) Act 1974 the Air (Prevention and Control of Pollution) Act 1981 and the relevant rules under Environmental (Protection) Act 1986 before commissioning the project. The application for 'consent to operate' shall be accompanied by an undertaking on Rs. 50/- stamp paper that all facilities required as per the 'consent to establish' have been duly installed and are functional.
- 2.6. Water meter shall be fixed to record consumption of water.
- 2.7. A minimum set back as per Kerala Municipality Building Rules shall be provided between the boundary and the buildings. The set back can be utilised for the development of green belt.

## 3. CONDITIONS as per

### Water (Prevention & Control of Pollution) Act

- 3.1. The proposal for effluent treatment plant shall be modified to satisfy the following and shall be implemented before commissioning the project.
  - i) After chemical precipitation and settling, sullage shall join the sewage line in the aeration unit.
  - ii) The depth of the aeration tank shall be reduced from 3.3 to 2.0 m.
  - iii) The anaerobic reactor shall be upflow anaerobic fixed media type.
  - iv) The post-aeration settling tank surface area shall be increased, with parallel plate settlers if necessary, from 10.4 to 42 m<sup>2</sup>.
  - v) The backwash from pressure sand filter and activated carbon filter shall be



taken to the aeration tank.

- vi) The sludge/ excess sludge from the settling tanks, screenings from the screens, skimmings from oil & grease traps and biodegradable garbage shall be fed into a biogas plant.
- vii) The slurry from the biogas plant shall be taken to the equilisation tank (collection / primary settling tank).
- viii) A disinfection tank shall be introduced between pressure sand filter and activated carbon filter. Minimum 1 hour contact time shall be provided in the disinfection tank.

- 3.2. a) Effluent treatment plant shall be set up beyond 26 m from the nearby residences and other establishments.
- b) Effluent treatment plant consisting of treatment units listed below shall be made functional before commissioning:

#### 1. Sullage

1.	Bar screen	2.	Grit settling tank / oil and grease trap
3.	Sullage collection tank	4.	Chemical precipitation tank
5.	Settling tank		

#### 2. Sewage

1.	Bar Screen	2.	Collection / Primary settling tank
3.	UAF with packed media	4.	Anaerobic settling tank
5.	Aeration tank	6.	Secondary settling tank
7.	Pressure sand filter	8.	Disinfection tank
9.	Activated carbon filter	10.	Treated water tank
11.	Biogas plant	12.	Soak pit

- 3.3. The characteristics of effluent after treatment shall conform to the following tolerance limits.

(i)	pH	-	6.5 – 8.5
(ii)	Suspended Solids	-	20 mg/l, max
(iii)	BOD (27°C/3 days)	-	3 mg/l, max
(iv)	Oil & Grease	-	1 mg/l, max



- 3.4. Inbuilt facilities shall be provided for reuse of treated effluent for flushing, gardening, cooling water make up, fire fighting, vehicle wash, floor wash, etc. Water meter shall be provided for measuring the quantity of treated water recycled. Adequate land shall be set apart for irrigation.
- 3.5. The treated effluent in surplus, if any, shall be disposed in soak pit. The soak pit shall have concreted bottom, honey comb brick or perforated ring side wall and 1 m thick 2 mm sand envelope around.
- 3.6. There shall be easy access to each and every effluent treatment unit. Manhole shall be provided prior to soak pit to facilitate effluent sampling.
- 3.7. Energy meter shall be installed exclusively for the effluent treatment and treated effluent reuse system.
- 3.8. Arrangements shall be provided for rain water harvesting and for utilization of harvested rain water. The rain water harvest system shall be located at a minimum distance of 20 m from the soak pit.
- 3.9. If operations are planned to be done with backup power, the generator shall have adequate capacity to run all the associated pollution control devices.
- 3.10. Natural drainage of the area shall be protected.

#### 4. CONDITIONS AS PER Air (Prevention & Control of Pollution) Act

- 4.1. The DG sets of 500 KVA capacity shall be acoustically protected and provided with chimney of minimum height 4.5 m above roof level of the building. It shall be placed at a minimum distance of 16 m from nearby residence.
- 4.2. The sound level measured at 1 m outside the boundary of the premises shall not exceed the ambient sound level applicable to the adjoining area.
- 4.3. All operations likely to produce dust or noise shall be carried out with appropriate enclosure.
- 4.4. Water sprinklers shall be provided to suppress spreading of dust outside the premises during the construction phase. Suspended particulate matter at the boundary of the premises shall not exceed 200 microgram per cubic metre.



### 5. ADDITIONAL CONDITIONS

- 5.1. Debris during construction shall be transported with proper cover after wetting to prevent spreading of dust during transportation and shall be disposed safely. The details of disposal of the same shall be intimated to the Board's office in advance.
- 5.2. Sanitary facilities shall be provided to the construction workers.
- 5.3. Non-biodegradable solid wastes shall be collected with due segregation and disposed off safely.
- 5.4. Suitable species of trees and curtain plants shall be planted and maintained within and along the periphery of the premises, forming a green belt to improve the environment.
- 5.5. Clearance under CRZ notification shall be obtained before commencing construction activities for the project.
- 5.6. The location of the structures shall be as shown in the drawing attached. No change or alteration to the above, other than those specified in conditions above, shall be made without prior permission from this office.

DATE : 14.08.2008



OFFICE SEAL

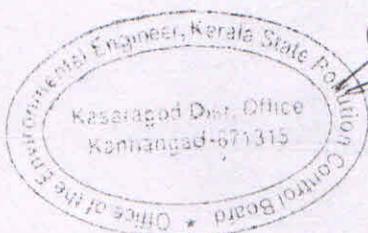
Sd/-  
CHAIRPERSON

Copy to:

1. The Senior Environmental Engineer  
Regional Office, Kozhikode
2. The Assistant Environmental Engineer  
District Office, Kasaragod
3. The Secretary, Pallikkara Grama Panchayat  
Kasaragod
4. Stock File

APPROVED FOR ISSUE

*[Signature]*  
ENVIRONMENTAL ENGINEER -1





SITE LOCATION PLAN

*[Handwritten signature]*  
 in CHAIRPERSON

AI BEACH RESORTS AND SPA

DATE	REVISION/NOTES	DRAWN	ALL DIMENSIONS IN METERS UNLESS OTHERWISE SPECIFIED
	NOTES		

Office of the Environmental Engineer, Kerala State Pollution Control Board  
 Kasaragod Dist. Office  
 Kanhangad-671315

*[Handwritten signature]*



## KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram - 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

File. No.PCB/HO/KSGD/ICE/8738/06/08

Date: 09.11.2012

CONSENT TO ESTABLISH - RENEWAL

Consent no. PCB/HO/KSGD/ICE-R/01/2012

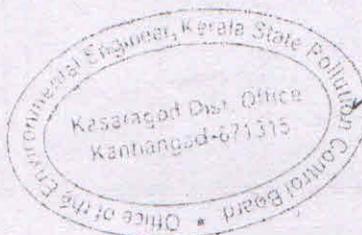
- Ref: 1. Your application dated 15.06.2012  
 2. Consent No PCB/HO/KSGD/ICE/7/08/08 dated 14.08.2008

The 'Consent to Establish' issued vide ref. 2 for Bekal Beach Resort & Spa, Chettukund, Kasaragod is hereby renewed up to 30.06.2015. The copy of consent cited under ref. 2 attached herewith is part of this renewal order and this order is subject to the conditions stipulated therein and the following variations.

Condition No:1

1.1	Validity	30.06.2015
1.3	Telephone	0471- 3084500,3084509
1.12	Consent fee remitted	Rs. 2,80,000/- (including fine).
1.13	Capital Investment	Rs. 28.25 Crore.
1.17	Date of application	15.06.2012
1.18	Date of enquiry	13.07.2012

*Taru Deyy*



*[Signature]*

AK.E.

17/11/12

3.3 The characteristics of effluent after treatment shall conform to the following standards.

Sl. No.	Characteristics	Unit	Irrigation/ soak pit	Flushing/Gardening other reuse purposes
1	pH	-	5.5-9.0	6.5-8.5
2	Suspended solids	mg/l, max	100	20
3	BOD	mg/l, max	30	3
4	Oil & grease	mg/l, max	10	1

5.7 Arrangements shall be provided for proper management of E-waste and disposal shall be as per the E-waste (Management & Handling) Rules. The following details shall be submitted to the Board on or before 31<sup>st</sup> December every year.

Sl. No.	Particulars of E-waste	Quantity of E-waste disposed in 2011	Quantity of E-waste proposed to be disposed in 2012	Mode of disposal

5.8 Adequate fire protection equipment in accordance with the fire safety regulations shall be established / installed at salient places with in the buildings and for ensuring the same, necessary certificate from Fire & Rescue Services Department shall be obtained.

For and on behalf of the  
KERALA STATE POLLUTION CONTROL BOARD



CHAIRMAN

To

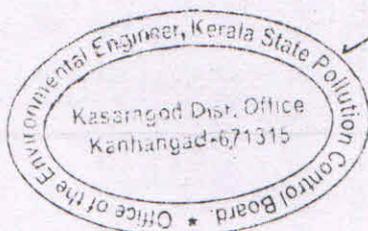
Sri. E.M Najeeb  
Chairman  
Green Gateway Leisure Limited  
F-7, Crescent Gardens, Althara Nagar  
Vellayambalam, Thiruvananthapuram-695 010

(for Bekal Beach Resort & Spa, Chettukund, Kasaragod)

Copy to:

1. The Senior Environmental Engineer, Regional Office, Kozhikode
2. The Environmental Engineer, District Office, Kasaragod
3. The Secretary, Pallikera Grama Panchayat, Kasaragod
4. Stock file

2





## KERALA STATE POLLUTION CONTROL BOARD

FILE NO. PCB/HO/KSGD/ICE/8738/06/08

Date of issue : 19/01/2016

## INTEGRATED CONSENT TO ESTABLISH - RENEWAL

Consent No : PCB/HO/KSGD/ICO-R/01/2016

Ref : Consent no. PCB/HO/KSGD/ICE-R/01/2012

Dated 09.11.2012

The 'Integrated Consent to Establish' issued as per reference above to M/s Bekal Beach Resort & Spa Chetukund, Kasaragod is hereby renewed up to 30/06/2018 and issued to M/s Bekal Beach Resort & Spa (Green Gateway Leisure) Ltd, Chetukundu, Keekan (PO), Bekal, Kasaragod

The consent(s)/ variation order(s) cited under reference are integral part of this renewal order and this order is subject to the conditions stipulated therein and the following modifications/ additions.

GENERAL

S.No	Items	Description
1	FEE REMITTED	
2	ACTIVITY	Rs 2.4 Lakh
3	VALIDITY	Resort with villas , SPA, Swimming pool, restaurant, reception etc
4	CAPITAL INVESTMENT	30.06.2018
5	BUILT UP AREA	Rs. 3850 lakhs.
6	DG SET CAPACITY	207550sq.ft
7	DATE OF COMPLETED APPLICATION	1000 KVA
8	DATE OF ENQUIRY	01.12.2015
		20.08.2015.

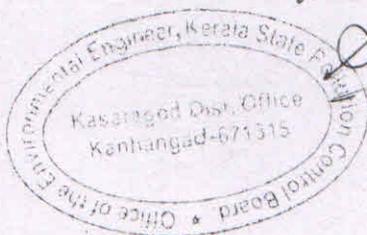
## III. CONDITIONS

Condition no. 5.8 may be read as: Adequate fire safety measures shall be adopted in accordance with Fire safety regulations.

5.9 Energy and water conservation measures shall be adopted.

5.10 Renewable source of energy namely solar energy shall be adopted.

5.11 Clearance, if any required under Coastal Regulations Rules and Environmental Impact Assessment Rules shall be obtained.



All other conditions of the Integrated Consent to Establish issued as per reference above remain unchanged



*Handwritten signature*

DATE :19/01/2016

SIGNATURE & SEAL OF ISSUING AUTHORITY

CHAIRMAN

OFFICE SEAL

To  
M/s. BEKAL BEACH RESORT & SPA (GREEN GATEWAY LEISURE LTD)  
CHETTUKUNDU,  
KEEKAN (PO)  
BEKAL  
KASARAGOD

- Copy to:
- ✓ 1. The Environmental Engineer , District Office, Kasaragod
  - 2. Stock file

*Handwritten signature*



**Minutes of the First Meeting of the Joint Committee held through Video Conference in OA No. 136 of 2016 Filed by Capt. Prakash Vs Union of India in Hon'ble NGT, Chennai on 14.08.2020**

1. The first meeting of the Joint Committee constituted as per Order of Hon'ble NGT dated 18.03.2020 in **OA No. 136/ 2016 in Hon'ble NGT, Chennai** raising several allegations/objections regarding issue of Environmental Clearance (EC) as well as Non-Compliances and Violations in implementation of Environmental safeguards with regard to EC conditions and Coastal Regulation Zone (CRZ) requirements in a project related to **M/s. Green Gateways Ltd, Bekal Kasargod District, Kerala was held on 14.08.2020 through Video Conference (Copy of the Order is enclosed as Annexure-1 and Meeting Notice as Annexure-2).**
2. The Hon'ble NGT, in its order directed the Joint Committee to ascertain the present status as follows: *"we feel it appropriate to appoint a joint committee comprising of a Senior Officer from Regional Office, Ministry of Environment, Forest and Climate Change (MoEF & CC), Bangalore, a Senior Officer of the Kerala State Coastal Zone Management Authority and a Senior Officer from the Kerala State Pollution Control Board to inspect the project in question and submit a present status report and if there is any violation found regarding the conditions imposed including the Coastal Zone Regulation, then they should also mention what is the proposed action, in respect of such violation.*
3. *If there is any damage caused to environment on account of the violation, then the committee is also directed to impose environmental compensation against the seventh respondent for the violations, on any of the conditions imposed in the environmental clearance as well as the Coastal Zone Clearance granted in respect of the project as has been directed by this Tribunal in several cases of this nature on the basis of the guidelines given by the Central Pollution Control Board in this regard".*
4. As per the directions of Hon'ble NGT, a Joint Committee was constituted, and a site visit was also planned for 24.06.2020. However, due to the increased number of COVID-19 cases in Kerala especially in and around the project site, the visit could not be undertaken and subsequently another visit was planned during August 18-19, 2020. However, this instant visit was also postponed based on feedback from some members informing that heavy rains have created a havoc in the region and the number of containment zones have also increased drastically and the proposed project site is also in containment zone because of which several restrictions are in place in that region. The details of the Joint Committee constituted is as follows:

S. No	Name and Designation	Organization/ Department
1	Dr. Murali Krishna, Joint Director	MoEFCC, RO Bangalore
2	Dr. S.Prabhu, Deputy Director	
3	Er. Kalaiarasan, Environmental Engineer	Nominee Kerala Coastal Zone Management Authority
4	Dr. Richard Scaria, Member	
5	Smt. Sheeba MS, Chief Environmental Engineer	Kerala State Pollution Control Board
6	Shri. Arthur Xavier, Environmental Engineer	

5. In view of the above and also considering the pandemic situation and heavy rainfall in the State of Kerala, the first meeting was held through video conference and during the VC, Members noted that EC for this project was granted on 02.01.2009 and its validity has expired in 01.01.2014 and consent issued by Kerala State Pollution Control Board (KSPCB) also expired on 30.06.2018. As on date the project has not been fully completed and is not-operating and in case, the project authorities need to start the work, they are required to obtain EC from the Ministry and Consent from KSPCB, a fresh.
6. During the meeting, Members noted that, this project site was monitored earlier on different occasions by MoEFCC, Kerala State Pollution Control Board (KSPCB) and Kerala Coastal Zone Management Authority Officials (KCZMA) on 28.10.2016, 11.03.2017, 09.08.2018 and on 09.06.2020. Representative from KCZMA informed the Joint Committee that this site was monitored earlier by Dr. Harinarayanan, Sr. Scientist from KCZMA and submitted report also. Further, the Members opined that previous monitoring reports of MoEFCC, KSPCB and KCZMA may also be examined in detail for ascertaining the status of compliance to EC/ CRZ clearances. MoEFCC was requested to share these reports with the Joint Committee.
7. During the VC, all the Members discussed about the appeal and suggested seeking the following information from all the concerned departments prior to a site visit for ascertaining the factual information related to the appeal. Further, all the Members suggested the Ministry to write to Hon'ble NGT and seek additional time of another three months for scheduling a site-visit and for submission of factual report in this instant matter. Joint Committee agreed to furnish the following information from each concerned department/ agency.

<b>S. No</b>	<b>Information Required</b>	<b>Department/ Agency</b>
1	Details of any bore-wells in the project site and status of construction related activities	KCZMA and KSPCB
2	Details and copies of consent issued along with status of STP and other buildings	KSPCB
3	Distance and Maps relating to CRZ / CZMA and distance from High Tide Line (HTL) and to confirm whether any violation conducted by construction of canals/ use of water within 500 Mts	KCZMA
4	Detailed report on construction made and also to inform details of regularization of buildings done by District Coastal Zone Management Authority	KCZMA
5	Status of submission of Half Yearly Compliance Reports (HYCR) and whether any monitoring conducted during construction	MoEFCC and KCZMA
6	Assessment of environmental damage if any, caused in violation of EC/ CRZ Clearance	MoEFCC and KCZMA
7	Status of compliance reports/ half yearly reports submitted by the applicant.	MoEFCC

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കേരളം കേരल KERALA KERALA WATER AUTHORITY AGREEMENT NO. KN6-20/2014-15 AK 624568 AGREEMENT FOR SUPPLY OF WATER

seventh 27/09/14

Agreement made on this the Twenty third day of September Two thousand and Fourteen between the Asst Executive Engineer, Kerala Water Authority, P.H. Sub Division Kanhangad for and on behalf of Kerala Water Authority (hereinafter referred to as the "Supplier" which expression shall include his/her successors in office and assignees wherever the context of admits) on the one part and The Sai Najeeb, aged 60 Years, Chairman and Managing Director, M/S Green Gateway Leisure Ltd, Kasargod, Po Building No. VII-665, residing at Keekan Village, Hosdurg Thaluk, Kasargod District (hereinafter referred to as the "Consumer" which expression shall include his successors and assignees and any person getting the benefit of water supply from the Authority wherever the context of admits) of the other part.

Whereas on the request of the consumer the supplier has agreed to give water supply connection and to supply water required for Non Domestic purpose to the building subject to availability in his premises shown in the schedule annexed to this agreement on the terms and conditions hereinafter contained.

SUPPLIER

Signature of Assistant Executive Engineer, Kerala Water Authority, P. N. Sub Division, Kanhangad. Date: 27/09/14

CONSUMER

Signature of P.V. Babakrishnan

നമ്പർ 23292 തീയതി 27.9.14 വില ₹100

സ്ഥലം: Green Gateway Leisure Ltd chetykund കോസ്റ്റൽ ടൂറിസം സ്റ്റാമ്പ് വെണ്ടർ ലേനയ്ക്കും പ്രസാദ്. യു



- 1) The supplier shall supply and the consumer shall take water to the consumer's premises at the rate fixed by the Kerala water authority from time to time the present rate in force is as shown in Appendix.
- 2) The consumer hereby declares that he/she has carefully perused the regulations made by the Kerala Water Authority for the supply of water for domestic or other purposes and he/she agree to be bound by the terms and conditions in force from time to time including provisions contained in Kerala Water Supply and sewerage Act. 1986 the Kerala Water Authority (water supply) Regulations 1991 as if those conditions from an internal part of this agreement.
- 3) The consumer further agree that he/ she shall comply the provisions in the regulations in force and obey the directions that may be given by the supplier relating to water supply connections and supply of water. the supplier shall have the power to disconnect connection given from the main to any premises:
- 4) The supplier shall have the power to disconnect connection given from the main to any premises:
  - a) If misuse OR wastage of water is found at the premises OR
  - b) If the building in a premises to which connection given in domestic-demolished partly or fully so as to make it unhabitable or unoccupiable OR
  - c) If it is established that the consumer obtained water connection by furnishing falls information to the Water Authority which in the opinion of Asst. Executive engineer would have prevented his/her from granting the connections to the consumer.
- 5) No repair to the water service connection to the building shall be made through any other agency except by the Kerala water Authority OR its Licensed plumbers .The maintenance and repair charges for the maintenance or repairs done by Kerala water Authority from the rule point to the consumer's meter has to be paid by the consumer .The repair charges should be remitted by the consumer within seven days on receipt of the demand of Kerala water Authority, failing which the supply will be out off without notice.
- 6) No tapping will be done from the line in the consumer's premises if not authorized by the Kerala water authority.
- 7) Water connection to the boiler, water closets, latrines, Urinal etc.....shall not be taken directly from the main. Separate tank of cistern shall be constructed for the purpose. The officials of Kerala water authority shall have the right to inspect the installations at any time.

SUPPLIER

*JAM*  
*27/07/14*  
ASSISTANT EXECUTIVE ENGINEER  
KERALA WATER AUTHORITY  
P. M. SUB DIVISION, KANNARGAD

CONSUMER

*P. V. Balakrishnan*

- 8) A water meter of the quality approved by the Water Authority shall have to be installed with meter chamber at the entrance of the consumer's compound at the cost of the consumer if it is not available with Kerala water authority and the control over the meter will rest with the supplier. The consumer is bound to keep the meter chamber and meter safe and enable the officials of the Authority to have access to read the meter reading as and when required.
- 9) The Authority may disconnect supply without notice from any premises, Water supply given from main for the consumer's purpose if due to natural calamities, water shortage or for any other reason the water supplied through the supply system is found inadequate to meet the requirements of the consumer's. Such disconnection will be reconnected as soon as normally if the system is restored.
- 10) Separate invoice or provisional invoice cards showing the water charges and date of remittance shall be issued to the consumer, The consumer shall remit the water charges in cash regularly at the sub divisional office at Kanhangad or at other specified place on the specified rate. Non receipt of invoice or bill by the consumer shall not be an excuse for non-payment of the Water charge in time, a fine as laid down in Kerala Water Authority (water supply) Regulations, 1991 shall be imposed for the default at the rate fixed by the Kerala Water Authority from time to time. If water charges are not remitted consecutively for two months, the connection shall be disconnected and for two months, for the restoration of the water supply. All dues and the fee for disconnection and reconnection at the rate fixed by the Water Authority from time to time shall be paid by the consumer.
- 11) Meter reading will be taken by the representatives of the Authority and the consumer will be at liberty to be present at the time of taking it. If in notices from the reading that the consumer at the prevailing rate and if the consumer has consumed less water than what he is permitted, The excess amount paid by his/her will be adjusted against his/her future water charges.
- 12) Any complain regarding the accuracy of the water charges demanded shall be given in writing as provided for in Kerala Water Authority ( water supply) regulations 1991 and the supplier will take stop to verify if and the errors found in taking the reading will be corrected.

SUPPLIER *[Signature]*  
27/09/14  
ASSISTANT EXECUTIVE ENGINEER  
KERALA WATER AUTHORITY  
P. H. SUB DIVISION, KANHANGAD

CONSUMER

X  
*[Signature]*  
P. V. Balakrishnan

- 13) If any mistake in the working of the meter is noticed the supplier will intimated the fact to the consumer and the defective meter should be repaired OR replaced by the consumer at his/ her expense. The meter shall be tested by the Asst Engineer of Water Authority till rectification OR replacement of the meter the consumption of the water will be assessed at an average quantum for a particular period for which in the opinion of the authority the Meter was registering correctly and the consumption was not abnormal. If the fault meter is not replaced within 30 days after getting instruction from the supplier the rules laid down in the KWA Act shall be applicable.
- 14) The supplier shall take all Endeavour to supply water to the consumer . But the supplier shall not be liable for discontinuance of insufficiency of water supply due to reason beyond the control of the Authority such as breakdown of plant/ pipe line failure of power supply flood, drought, Earthquake and other natural calamities strike by employees lay off and lockout. In such cases water supply shall be restored as early as possible the supplier also reserved the right to regulate the supply of water at any time subject to availability, especially during in public interest.
- 15) All dues that may be some payable by the consumer under or by virtue of this agreement by reason of otherwise are recoverable from his/her properties both immovable and movable under the provisions of the revenue act as is the arrears of public revenue due on land OR in such in other matter as the authority may deem fit.
- 16) The consumer hereby declares that the premises for which water connection is to be given as per his/her application, is under his/her occupation as owner /occupier.
- 17) The consumer being the owner of the premises for which water supply connection to be effected agree that the water charges and other dues payable under OR by virtues of this agreement shall be the first charge on then property and in case where the consumer is the tendency/occupies, the dues payable to karalla Water Authority shall be the first charge in his/ her immovable/movable properties.
- 18) In case of the extension of water supply laid down the premises motioned in the schedule required to be deviated at a later stage all expenses found necessary for the alteration shall be met by the consumer.
- 19) The consumer may determine this agreement on giving sixty days notice in writing to the supplier.
- 20) The Authority will not liable for any short supply of water and that the consumer consent to pay the minimum charges fixed by the Authority for maintaining the connection under section 31(1) of the Act.

SUPPLIER *AA*  
*27/09/14*  
**ASSISTANT EXECUTIVE ENGINEER**  
**KERALA WATER AUTHORITY**  
**P. M. SUB DIVISION, KANHANGAD**

CONSUMER

*P. V. Babakrishnan*

a) Address of the premises to water supply : Sri/Smt  
is sought :  
b) Permanent Address of the consumer : As above.

2 Description of the premises

Village : Keelam  
Desam :  
Re-Survey No. : 131/7  
Name of Street : chettukundu  
Building No. : VII-665  
Nature of connection : Domestic/Non Domestic  
Consumer No. :

CONSUMER

SIGNED AND DELIVERED BY THE PRESENCE OF WITNESS

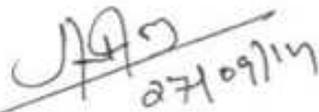
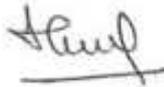
- 1) Ramachandran PP  
Pathan perayil House  
P.O. Elangoode, Pambor
- 2) Kumar Datt.



G. V. Balakrishnan

SIGNED IN THE PRESENCE OF WITNESS

- 1) Abdul Rahman I  
Surya Cr?
- 2)



SIGNATURE OF ASSISTANT EXECUTIVE ENGINEER  
KERALA WATER AUTHORITY  
P. H. SUB DIVISION, KANHARAD

CONSUMPTION	RATE
<b>DOMESTIC CONNECTION</b>	
Up t 5000 Liters	Rs.20/-
5,000, to 10,000 Liters	Rs. 20/- Plus @Rs.4.00 per every 1,000 Liters in excess of 5,000 Liters
10,000 to 20,000 Liters	Rs. 40/- Plus @.5.00 per every 1,000 Liters in excess of 10,000 Liters
20,000 to 30,000 Liters	Rs.90/- plus @Rs.6.00 per every 1,000 Liters in excess of 20,000 Liters
30,000 to 40,000 Liters	Rs.150/- Plus @Rs.10.00 per every 1,000 Liters in excess of 30,000 Litres
40,000 to 50,000 Liters	Rs.250/- Plus @Rs.14.00 per every 1,000 Liters in excess of 40,000 Liters
Above 50,000 Liters	Rs.640/- Plus @Rs.25.00 per every 1,000 Liters in excess of 50,000 Liters
<b>NON-DOMESTIC CONNECTION</b>	
Up to 15,000 Liters	As the rate of Rs. 10.00 per 1,000 Liters and Rs.125/- Minimum charge
15,000 to 50,000 Liters	Rs. 150/- Plus @ Rs. 14.00 per every 1,000 Liters in excess of 15,000 Liters
Above 50,000 Liters	Rs. 640/- Plus @Rs. 25.00 per every 1,000 Liters in excess of 50,000 Liters
<b>INDUSTRIAL CONNECTION</b>	
Per consumption in a month	Rs.25/- per 1,000 Litres and 250/- minimum charges

SUPPLIER

*Handwritten signature*  
 ASSISTANT EXECUTIVE ENGINEER  
 KERALA WATER AUTHORITY  
 P. H. SUB DIVISION, KANHARODAP

CONSUMER

*Handwritten signature*  
 P. V. Balakrishnan

606  
 CM

**R7- Google Earth Maps form 2003 to 2018**



**Google Image of the Project Site in 30.05.2003**



**Google Image of the project Site in 15.02.2010**



**Google image of the project Site in 18.02.2012**



**Google image of the project Site in 20.12.2013**



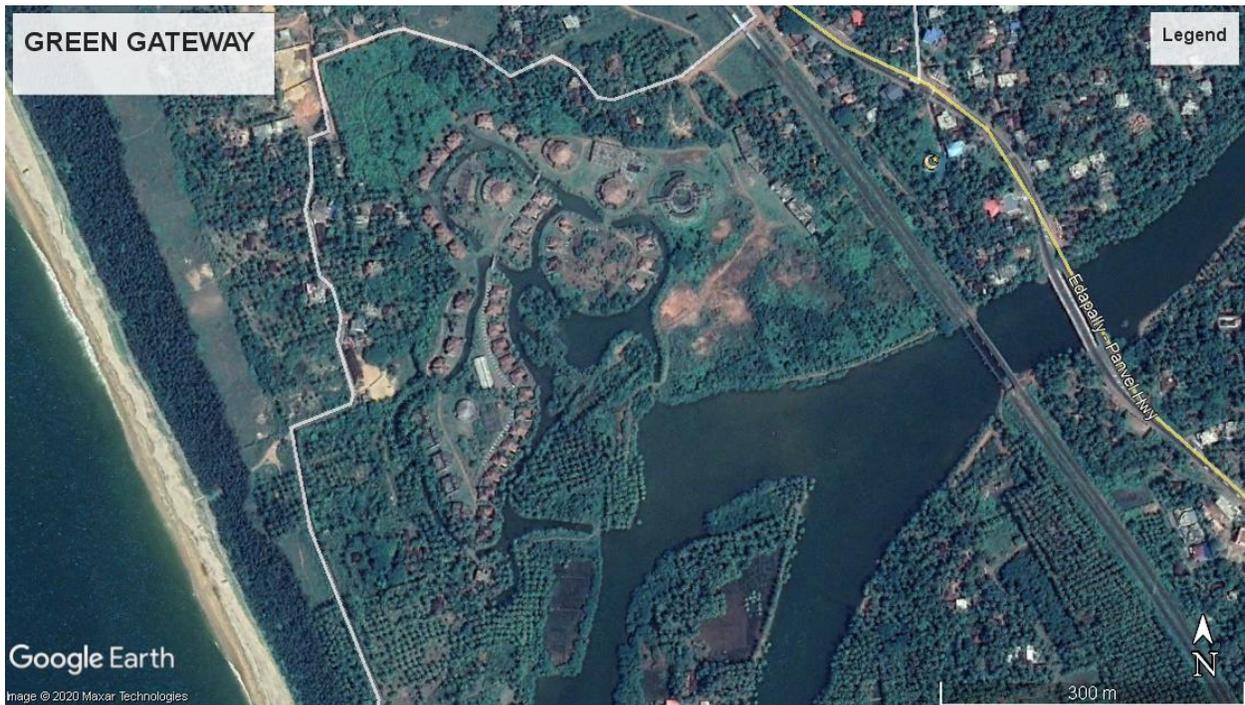
Google image of the project Site in 17.02.2014



Google image of the project Site in 26.12.2015



**Google image of the project Site in 14.01.2017**



**Google image of the project Site in 24.10.2018**

A-7

**KERALA COASTAL ZONE MANAGEMENT AUTHORITY**  
Directorate of Environment and Climate Change

o:4999/A2/17/KCZMA

Pallimukku, Pettah,  
Thiruvananthapuram, Dated: 08.08.2017

From

The State Public Information Officer  
KCZMA

To

Capt. B.S Prakash  
Flat No. 6C, Heera West Court,  
Athani Lane, Vanchiyoor  
Thiruvananthapuram- 685 035

Sir

Sub: KCZMA- RI Act- Application- Reg.

Ref: Your application dated: 24.05.2017

In response to your RTI application under references, I am furnishing the available details as stated below.

1. Copy of site inspection is attached here with.
2. With regard to the site inspection conducted by Dr. Harinarayanan the action taken is that the site inspection report in application No. 136/16 Cap. B.S. Prakash Vs Union of India was forwarded to the MoEF for necessary action.

Yours faithfully,



B.Siva Prasad

**Joint Secretary &  
Public Information Officer, KCZMA**

Name & Designation of Approval Authority

PADMA MAHANTI.IFS  
Member Secretary, KCZMA  
Pallimukku, Pettah  
Thiruvananthapuram

(26)

B

246  
93

## Site Inspection Report

No.549/CZMA/16/CSTE

### Introduction

Capt. B S Prakash, S/o, Balaraman, Flat No. 6C, Heera West Court, Vanchiyoor, has filed an application before the National Green Tribunal alleging that the Green Gateway Leisure Ltd, a resort under construction at Keekanam in Pallikare Panchayath of Kasaragod District has violated the provisions of CRZ notification 2011. The Kerala Coastal Zone Management Authority vide reference No. 4359/A1/16/KCZMA/S&TD dated 24-09-2016 has deputed Dr Harinarayanan, Senior Scientist for conducting a site inspection in the area. The site was inspected on 28<sup>th</sup> October along with official from the Pallikare Grama panchayath.

### Observations

The petitioner has alleged that the proponent of Green gateway leisure Ltd has alleged that 28 bore wells are dug for drawing groundwater within the site. The entire site was inspected and site was devoid of any boreholes as alleged. The water from the Kerala Water Authority was seen being used by the proponent for various activities.

The allegations that the proponent has violated the provisions in clearance issued by MoEF including the building plan approved, can be verified only if the files regarding the CRZ clearance is received.

However following violations were noted in the area during the visit.

- i. Large scale digging/excavation of earth to create new water canals with width of 10m and above within 500m from HTL was noted. The CRZ notification 1991 clearly states that "Extraction of sand, levelling or digging of sandy stretches except of foundation of building, swimming pool shall not be permitted within 500m from HTL of sea". Hence the digging within 500m from HTL amounts to violation of provisions of CRZ notification.
- ii. These canals are connected to the river having tidal influence from sea. These canals has tidal influence from sea and hence on the banks from High tide Line landward equivalent to the distance of the canal will be No Development zone. The distance from the High tide line to the existing construction made in many places is less than the width of the canal newly created. Those constructions will be partly in the No development Zone. The Google images of 2003 and 2015 given below as fig 1 and 2 will provide the excavation taken and modifications done. This will also amount to violations.
- iii. The construction of Sewage Treatment Plant (STP) has not been initiated. The KCZMA shall direct to install the STP before the opening the resort to public.
- iv. The details of water availability from the Kerala water Authority may be requested from the proponent to examine whether this will be sufficient for the use on operation of the resort.

v. Buildings haven been regularised even before completion. This need to be examined.

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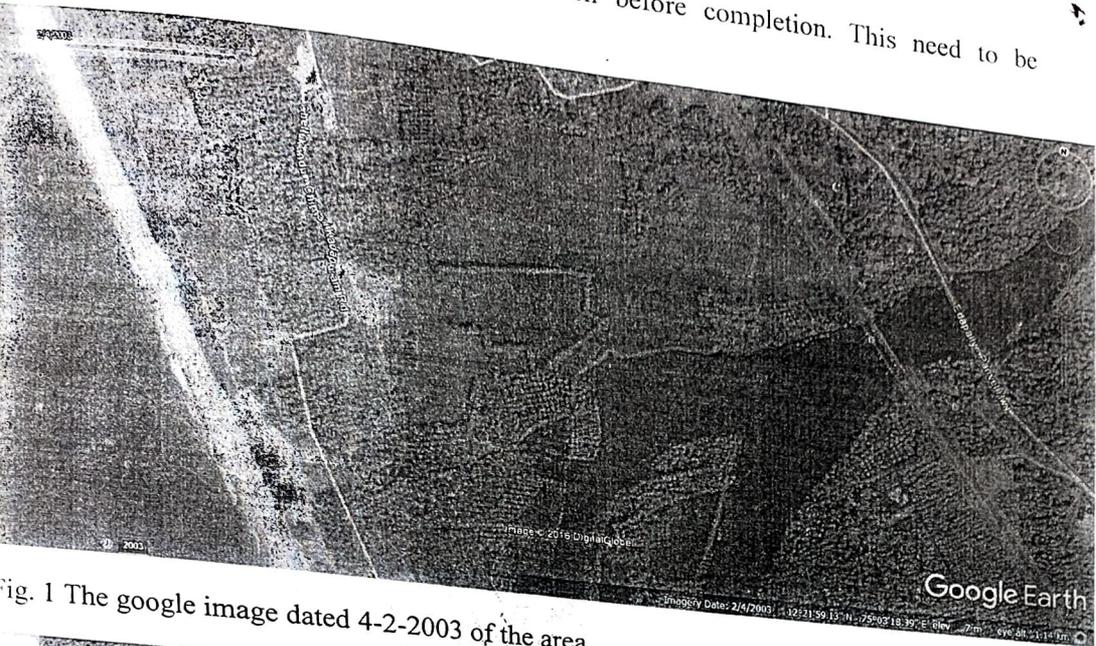


Fig. 1 The google image dated 4-2-2003 of the area

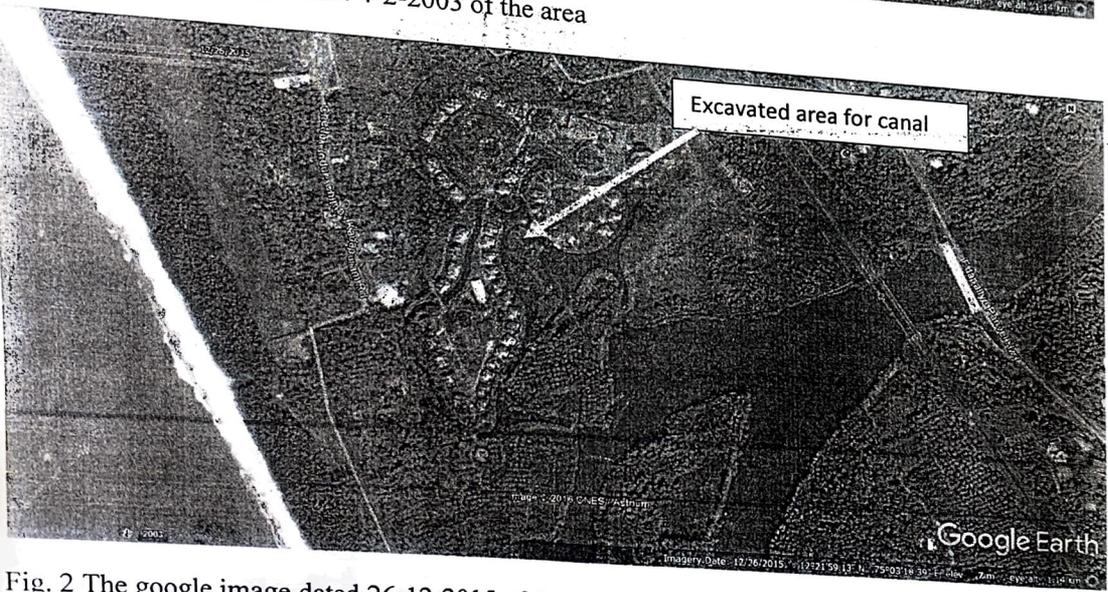


Fig. 2 The google image dated 26-12-2015 of the area

**Summary and Recommendation**

- The KCZMA shall direct the proponent to submit a report on the compliance of the conditions in the Environmental clearance issued by the MoEF.
- A detailed examination of the activities visa versa conditions laid down in the clearance and CRZ notification shall be done before the resort is in operation.

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- The District Coastal Zone Management Committee shall be directed to provide a detailed report on the construction made and also to report the details of regularisations of buildings done.
- The details may be forwarded to MoEF and also to the counsel for KCZMA in NGT Chennai.

  
 7/12/16

Dr .P. Harinarayanan  
Senior Scientist, KSCSTE

True Copy attested  
Prithvi  
 S.O

No.16-4/2008-IA-III  
Government of India  
Ministry of Environment and Forests  
(IA-III Division)

Room No.744,  
Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110003.

Dated, the 2<sup>nd</sup> September, 2008

To,

**Chairman,**  
M/s Green Gateway Leisure Limited,  
1<sup>st</sup> Floor, New Corporation Buildings,  
Palayam, Trivandrum-695033.

**Sub: Development of a resort and spa at Bekal in Kasargod District of Kerala by M/s Green Gateway Leisure Limited - regarding.**

\*\*\*\*

Sir,

This has reference to your letter No.GGL/GG1/BEKALIV/2008-09/19, dated 8.7.2008 regarding the subject mentioned above.

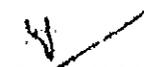
2. The project was considered in the meeting of the Expert Committee for Infrastructure Development and Miscellaneous Project held on 21<sup>st</sup> and 22<sup>nd</sup> August, 2008.

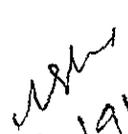
3. It is requested that the following information/clarification may be provided:-

- (i) The Coastal Regulation Zone map with High Tide Line and Low Tide Line with the project layout superimposed on the Coastal Regulation Zone map be prepared and recommendations of State Coastal Zone Management Authority, be obtained and provided. map
- (ii) Details of the water body development in the project area. ✓
- (iii) Details of the quarry material for filling including transportation. → alt
- (iv) Details of competitive users of water.
- (v) Details of the water conservation
- (vi) Details of the solid waste management.
- (vii) Details of the water treatment.
- (viii) Details of the public access.
- (ix) Details of biogas and the use.
- (x) No ground water shall be tapped from the Coastal Regulation Zone area. ✓

4. Based on the receipt of the above complete information, Ministry will be in a position to take further necessary action in the matter.

Yours faithfully,

  
(Dr. A. Senthil Vel)  
Additional Director

  
3/9/08

**Green Gateway Leisure Ltd.**

1 st Floor, New Corporation Bldgs., Palayam, Trivandrum - 695 033  
Tel: + 91 471 2320710,2338548. Fax: + 91 471 2323900 e-mail: emnajeab@atetravel.com

No: GGL/GG2/BEKAL-IV/2008-09/41

8<sup>th</sup> September, 2008

To

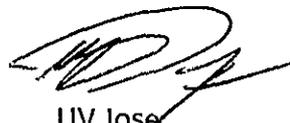
The Additional Director  
Ministry of Environment & Forests  
Govt of India  
New Delhi

Dear Sir,

Sub: Bekal Beach Resort & Spa - Clarifications on CRZ clearance

We are glad to know that the MoEF committee for CRZ clearance on 21<sup>st</sup> August has agreed to recommend the proposal of construction of Bekal Beach Resort & Spa by Green Gateway Leisure Ltd. We are forwarding the clarifications on the points mentioned in the minutes of the committee meeting. Kindly issue the clearance at the earliest.

With regards



UV Jose,  
Vice President,  
Green Gateway Leisure Ltd.,

Copy to:

Sri. E.Thirunavukkarasu  
Deputy Director  
Ministry of Environment & Forests  
Govt of India



map

11/6/09  
on file  
SB  
11/8  
11/2

REPLY TO CLARIFICATIONS SOUGHT BY THE MoEF, GoI FOR CRZ CLEARANCE  
FOR THE  
CONSTRUCTION OF RESORT AND SPA AT BEKAL, KASARGOD DIST. OF KERALA  
BY  
M/S GREEN GATEWAY LEISURE LTD. TRIVANDRUM

1. The Project

M/S Green Gateway Leisure Ltd., (GGL) Trivandrum, a subsidiary of M/S ATE Group of Companies, a leading travel and tourism business group, has proposed to construct a Resort and Spa at Bekal in Kasargod district of Kerala. The site leased to GGL for the purpose by Bekal Resorts Development Corporation Ltd. (BRDC) (promoted by the Department of Tourism, Kerala) has an area of 23.61 ha by the side of the sea. This is one of the 7 resort sites acquired by BRDCL for promoting tourism in the Bekal fort area. Bekal fort is a protected monument under the ASI and is a famed tourist attraction in northern Kerala. BRDC has also caused preparation of a Master Plan (*not published since revision is on the anvil*) for the zone comprised in 4 Panchayat areas.

Out of the 23.61 ha of land allotted to GGL, 26% of the land area is within 200m of HTL, 56% is within 200m and 500m of HTL and 17% of the land area is beyond 500m of HTL (i.e., outside the regulation zone) (pl. refer page 4 of EIA Report).

The proposal consists of construction of independent cottages and chain cottages of one and two floors with a total of 137 keys (*not 137 cottages*) and related facilities. The reception block, gatehouse, staff amenities and service block are proposed in the part of the land (site) which is 500 m beyond HTL and therefore outside the CRZ. The rest of the structures are proposed within 200m and 500m of HTL and therefore governed by Coastal Zone Regulations of 1991.

MMP

## 2. Information / Clarifications sought for by MoEF, GoI

The clarifications required to be furnished to MoEF on the Project and related matters are given below:

- (i) **Details of water body development:** The plot of land leased to GGL by the BRDCL (Department of Tourism) has a total area of 23.61 ha (approx. 58.37 acres). On the southern side is situated Chittari river. An irrigation inlet canal was laid many years ago for a small length into the plot. This inlet has a shutter regulator at the river mouth. The inlet and the regulator have been lying defunct for many years now. However, the GGL has proposed to retain the inlet canal and the width of this small canal on either side as 'no development area', since the intention is not to alter the existing major geographical features in the area.

A major part of the central area of the site falling within 200 m and 500 m of HTL is low lying with a shallow bowl shaped formation. This are used to be water logged during the rains (almost 4 months of a year). Conversion of this area of the plot would require huge quantities of earth spoil to be brought in from outside. Moreover such filling up may alter the existing terrain of the land. Alternatively, an acceptable proposal was mooted to retain this central piece of land as bowl shaped, if necessary with a little more earth work, to function as a large central shallow pool and a water harvesting tank. The advantages are that:

- Large scale earthwork for filling up of the land is not required
- The already water logging area can be allowed to continue to be water logged without altering the existing drainage patter
- Surface water drainage from the entire plot are can be made possible through laying underground sub soil level perforated

pvc pipes to drain off surface water into the drain (with a collection and filtering arrangement). This would ensure water availability during the whole year.

- This improved natural pool would serve as a good landscape feature so that the cottages can be located around this water body, especially since the cottages need to be constructed as per CRZ only beyond 200 m from the HTL. Since this part of the land beyond 200 m of HTL is separated from the sea by a low mount within 200m of HTL, there may not be good visibility to the sea from the cottages.
- The pool can also act as a water harvesting tank by directing all the rain water collected from the building roofs into the pond

(ii) **Quarry material for filling including transportation:** Large scale filling up of land is not envisaged within the plot. During construction a smaller quantity of top soil removal would be required. The EIA stipulates that loss of fertile top soil should be discouraged and that top soil so removed for construction purposes should be re-spread on the ground. Still it may be required to bring in some quantity of earth spoil into the site based on detailed landscaping plans. Local enquires reveal that adequate quantity of such earth spoil is available within 5 km of the site on the eastern zone, which can be transported in trucks.

(iii) **Competitive users of water:** At the initiative of the BRDC, the Kerala Water Authority (KWA), has implemented a water supply project for Bekal area. This system consists of 7 mld treatment plant at Kayakunnu, about 9 km from Bekal. The present proposal is that about 3 mld of water would be distributed to the people in the vicinity area and that 4 mld of water would be made available to the 7 resorts being promoted by BRDC. On an average every resort may

get about 5.50 lakh litres. However, we may expect about 15% as transmission and leakage losses. Therefore the gross availability may be about 3.40 mld. This would be available for 7 resorts. If we presume that every resort may not consume the same quantity of water (since GGL has 23.61 ha of land and Bharat Hotels Group has only 9.78 ha of land), GGL may receive more water than a smaller site. Even otherwise out of the 34 lakh litres of water available every resort can get a minimum of 4.86 lakh litres, whereas the estimated requirement of water in the Bekal Fort resort and Spa of GGL is only 60,000 litres per day. On an average the resort may get 60 percent occupancy, which means less consumption of water. However, the demand should be worked out for peak period and that is why demand for 360 persons (278 guests and 80 members of staff) is estimated at 150 litres per capita per day.

It is believed that adequate potable water would be available through KWA WS Scheme. In addition, GGL has proposed to tap subsoil water through shallow open wells from the land area which is beyond 500m of HTL and outside the CRZ. It is noticed that in the surrounding area open wells yield good potable water at about 5 to 7 meters depth. It is not proposed to dig bore wells to tap underground water. It is also not proposed to draw water from the river.

- (iv) **Water Conservation:** At present surface water from the resort site is drained off into the river. In no time the river discharges into the sea. Instead, the project proposes conservation of water within the plot of land through channeling to the pool. An elaborate system of rain water harvesting is also proposed. In addition it is also proposed to carryout out secondary treatment of effluent water from the package sewage treatment plant so that this recycled water after reducing BOD content would be used for gardening and yard work.

- (v) **Solid Waste Management:** The State Government is giving great focus on waste management actions at local government level. The Local Self Government Department (LSGD) and the Clean Kerala Mission (Suchitwa Mission) encourage LSGs to advocate and establish biogas plants, vermicompost plants, windrow composting, leachate treatment plants, sanitary landfill etc. at appropriate locations.

Hotels and apartment buildings have adopted segregated collection of solid waste (segregation into biodegradable and non biodegradable), composting in containers spraying inoculants, establishment of biogas plants etc. Biogas plants have the advantage of generation combustible gas which can be used for cooking or for generation of small captive electricity, which can be used for yard lighting. Since the proposed resort would function as an eco-resort, all the above methods of solid waste disposal would be adopted to have demonstrative effect on the visitors, on the local population and the local government.

Major system components would include:

- Segregated waste collection using three bin system - bio degradable, non biodegradable and for recyclable wastes-
- All recyclable wastes like metals, tins, plastics (above 50 microns), papers, boxes, wooden boxes etc. would be pooled together and sold / disposed of to the local recyclable waste market / collector in the nearest town.
- All biodegradable wastes (vegetables, meat wastes, left over food, sweepings etc.) would be processed for compost in the biogas plant located within the project site. Biogas generated would be used for cooking in the kitchen. The compost would be used as manure in the gardens.
- There would also be a sanitary landfill site within the project area with liner system for contained land fill of rejects and

inert objects. This site would be properly covered with clay lining and vegetative cover.

- (vi) **Water Treatment:** The project would be provided with water supply distribution connection from the KWA WS System. This water would be sufficient for all drinking, cooking, bathing etc. purposes within the resort.

The surface water and the rain water drained off from the buildings would be collected at specified points in ground level sumps. Solid matters draining off into the sump would be collected in a silt trap. The overflow from the settling sump would be allowed to be drained into a sand filter and to flow into the pool. The pool is not to be used as a swimming pool. Swimming pool is separately located, which will have treated water, suitable for body contact. Swimming pool water would be changed at regular intervals.

(Sewage treatment plant has anaerobic with aerobic activated sludge process and pressure filtration. The process diagrams and the design are given as annexure to the EIA Report. The final effluent treated water would be used for gardening.)

- (vii) **Public Access:** (The Kanhangad - Kasargod main road (not NH) and the main railway line from Kannur to Mangalore pass through the east side of the resort site. Panchayat road of 8 metres ROW takes off from the above MDR (major district road) towards the west across the rail line.) There exists a level crossing near the resort site. The main access to the resort site is from this Panchayat road which has tarred surface. GGL would participate with the Pallikere Panchayat in improving the road with good riding surface, side drains, paved side walks, good street lights and landscaping/ road side planting, sign boards etc.

The GGL has agreed with the local Panchayat and the population to realign an undesignated pedestrian walk through the site area for going to a small temple situated in an island across Chittari river. This narrow walkway would pass through the eastern boundary of the resort site and would in no way affect the proposed developments within the site.

- (viii) **Details of Biogas and the Use:** The total quantity of solid waste generated would be very less. (It is estimated that about 360 persons including guests and the staff may generate solid waste at the rate of 400 gm/capita/day. Therefore the total waste generation could be of only 144 kg per day. Out of this 90 percent would be biodegradable waste, including road and yard sweepings (leaves, twigs, flowers etc.). This would work out to 130 kg of biodegradable waste per day. Small biogas units can be established near the Service block and the biogas generated can be used for cooking purposes.)
- (ix) **Ground Water:** In paragraph 3 above it is made clear that the required water for the resort would be made available through the Kerala Water Authority (KWA) Water Supply Scheme newly implemented in Bekal area exclusively designed and implemented through the Bekal Resorts Development Corporation Ltd. (BRDC). Therefore GGL does not require going in for deep wells / bore wells to tap underground water. Similarly there is no need to draw water from the river to support water requirement in the resort. No ground water is proposed to be tapped from the Coastal Regulation zone area.

U V Jose  
Vice President  
Green Gateway Leisure Ltd  
Thiruvananthapuram

S.No.5 (R)

38

**Green Gateway Leisure Ltd.**

1 st Floor, New Corporation Bldgs., Palayam, Trivandrum - 695 033  
Tel: + 91 471 2320710,2338548. Fax: + 91 471 2323900 e-mail: emnajeel@atetravel.com

No: GGL/GG2/BEKAL-IV/2008-09/41

8<sup>th</sup> September, 2008

To  
The Additional Director  
Ministry of Environment & Forests  
Govt of India  
New Delhi

Dear Sir,

Sub: Bekal Beach Resort & Spa - Clarifications on CRZ clearance

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With regards



UV Jose,  
Vice President,  
Green Gateway Leisure Ltd.,

Copy to:

Sri. E-Thirunavukkarasu ✓  
Deputy Director  
Ministry of Environment & Forests  
Govt of India



REPLY TO CLARIFICATIONS SOUGHT BY THE MoEF, GoI FOR CRZ CLEARANCE  
FOR THE  
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BY  
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The proposal consists of construction of independent cottages and chain cottages of one and two floors with a total of 137 keys (*not 137 cottages*) and related facilities. The reception block, gatehouse, staff amenities and service block are proposed in the part of the land (site) which is 500 m beyond HTL and therefore outside the CRZ. The rest of the structures are proposed within 200m and 500m of HTL and therefore governed by Coastal Zone Regulations of 1991.

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pvc pipes to drain off surface water into the drain (with a collection and filtering arrangement). This would ensure water availability during the whole year.

- This improved natural pool would serve as a good landscape feature so that the cottages can be located around this water body, especially since the cottages need to be constructed as per CRZ only beyond 200 m from the HTL. Since this part of the land beyond 200 m of HTL is separated from the sea by a low mount within 200m of HTL, there may not be good visibility to the sea from the cottages.
- The pool can also act as a water harvesting tank by directing all the rain water collected from the building roofs into the pond

**(ii) Quarry material for filling including transportation:** Large scale filling up of land is not envisaged within the plot. During construction a smaller quantity of top soil removal would be required. The EIA stipulates that loss of fertile top soil should be discouraged and that top soil so removed for construction purposes should be re-spread on the ground. Still it may be required to bring in some quantity of earth spoil into the site based on detailed landscaping plans. Local enquires reveal that adequate quantity of such earth spoil is available within 5 km of the site on the eastern zone, which can be transported in trucks.

**(iii) Competitive users of water:** At the initiative of the BRDC, the Kerala Water Authority (KWA), has implemented a water supply project for Bekal area. This system consists of 7 mld treatment plant at Kayakunnu, about 9 km from Bekal. The present proposal is that about 3 mld of water would be distributed to the people in the vicinity area and that 4 mld of water would be made available to the 7 resorts being promoted by BRDC. On an average every resort may

get about 5.50 lakh litres. However, we may expect about 15% as transmission and leakage losses. Therefore the gross availability may be about 3.40 mld. This would be available for 7 resorts. If we presume that every resort may not consume the same quantity of water (since GGL has 23.61 ha of land and Bharat Hotels Group has only 9.78 ha of land), GGI may receive more water than a smaller site. Even otherwise out of the 34 lakh litres of water available every resort can get a minimum of 4.86 lakh litres, whereas the estimated requirement of water in the Bekal Fort resort and Spa of GGL is only 60,000 litres per day. On an average the resort may get 60 percent occupancy, which means less consumption of water. However, the demand should be worked out for peak period and that is why demand for 360 persons (278 guests and 80 members of staff) is estimated at 150 litres per capita per day.

It is believed that adequate potable water would be available through KWA WS Scheme. In addition, GGL has proposed to tap subsoil water through shallow open wells from the land area which is beyond 500m of HTL and outside the CRZ. It is noticed that in the surrounding area open wells yield good potable water at about 5 to 7 meters depth. It is not proposed to dig bore wells to tap underground water. It is also not proposed to draw water from the river.

- (iv) **Water Conservation:** At present surface water from the resort site is drained off into the river. In no time the river discharges into the sea. Instead, the project proposes conservation of water within the plot of land through channeling to the pool. An elaborate system of rain water harvesting is also proposed. In addition it is also proposed to carryout out secondary treatment of effluent water from the package sewage treatment plant so that this recycled water after reducing BOD content would be used for gardening and yard work.

- (v) **Solid Waste Management:** The State Government is giving great focus on waste management actions at local government level. The Local Self Government Department (LSGD) and the Clean Kerala Mission (Suchitwa Mission) encourage LSGs to advocate and establish biogas plants, vermicompost plants, windrow composting, leachate treatment plants, sanitary landfill etc. at appropriate locations.

Hotels and apartment buildings have adopted segregated collection of solid waste (segregation into biodegradable and non biodegradable), composting in containers spraying inoculants, establishment of biogas plants etc. Biogas plants have the advantage of generation combustible gas which can be used for cooking or for generation of small captive electricity, which can be used for yard lighting. Since the proposed resort would function as an eco-resort, all the above methods of solid waste disposal would be adopted to have demonstrative effect on the visitors, on the local population and the local government.

Major system components would include:

- Segregated waste collection using three bin system - biodegradable, non biodegradable and for recyclable wastes-
- All recyclable wastes like metals, tins, plastics (above 50 microns), papers, boxes, wooden boxes etc. would be pooled together and sold / disposed of to the local recyclable waste market / collector in the nearest town.
- All biodegradable wastes (vegetables, meat wastes, left over food, sweepings etc.) would be processed for compost in the biogas plant located within the project site. Biogas generated would be used for cooking in the kitchen. The compost would be used as manure in the gardens.
- There would also be a sanitary landfill site within the project area with liner system for contained land fill of rejects and

inert objects. This site would be properly covered with clay lining and vegetative cover.

- (vi) **Water Treatment:** The project would be provided with water supply distribution connection from the KWA WS System. This water would be sufficient for all drinking, cooking, bathing etc. purposes within the resort.

The surface water and the rain water drained off from the buildings would be collected at specified points in ground level sumps. Solid matters draining off into the sump would be collected in a silt trap. The overflow from the settling sump would be allowed to be drained into a sand filter and to flow into the pool. The pool is not to be used as a swimming pool. Swimming pool is separately located, which will have treated water, suitable for body contact. Swimming pool water would be changed at regular intervals.

Sewage treatment plant has anaerobic with aerobic activated sludge process and pressure filtration. The process diagrams and the design are given as annexure to the EIA Report. The final effluent treated water would be used for gardening.

- (vii) **Public Access:** The Kanhangad - Kasargod main road (not NH) and the main railway line from Kannur to Mangalore pass through the east side of the resort site. Panchayat road of 8 metres ROW takes off from the above MDR (major district road) towards the west across the rail line. There exists a level crossing near the resort site. The main access to the resort site is from this Panchayat road which has tarred surface. GGL would participate with the Pallikere Panchayat in improving the road with good riding surface, side drains, paved side walks, good street lights and landscaping/ road side planting, sign boards etc.

The GGL has agreed with the local Panchayat and the population to realign an undesignated pedestrian walk through the site area for going to a small temple situated in an island across Chittari river. This narrow walkway would pass through the eastern boundary of the resort site and would in no way affect the proposed developments within the site.

- (viii) **Details of Biogas and the Use:** The total quantity of solid waste generated would be very less. It is estimated that about 360 persons including guests and the staff may generate solid waste at the rate of 400 gm/capita/day. Therefore the total waste generation could be of only 144 kg per day. Out of this 90 percent would be biodegradable waste, including road and yard sweepings (leaves, twigs, flowers etc.). This would work out to 130 kg of biodegradable waste per day. Small biogas units can be established near the Service block and the biogas generated can be used for cooking purposes.
- (ix) **Ground Water:** In paragraph 3 above it is made clear that the required water for the resort would be made available through the Kerala Water Authority (KWA) Water Supply Scheme newly implemented in Bekal area exclusively designed and implemented through the Bekal Resorts Development Corporation Ltd. (BRDC). Therefore GGL does not require going in for deep wells / bore wells to tap underground water. Similarly there is no need to draw water from the river to support water requirement in the resort. No ground water is proposed to be tapped from the Coastal Regulation zone area.



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