

BEFORE THE NATIONAL GREEN TRIBUNAL, CHENNAI

ORIGINAL APPLICATION No.14 of 2016 (SZ)

In the matter of,

Muhammed, S/o Mammad : APPLICANTS  
Mangattuparamban Palachola House,  
Cheruvayoor, Malappuram

Vs

Kerala State Level Environment  
Impact Assessment Authority & Others : RESPONDENTS

REPORT FILED BY THE KERALA STATE POLLUTION  
CONTROL BOARD ON OA NO.14/2016, AS PER NGT  
ORDER DATED 01.10.2020



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**BEFORE THE NATIONAL GREEN TRIBUNAL, CHENNAI****ORIGINAL APPLICATION NO. 14/2016**

Muhammed, S/o Mammad : **APPLICANTS**  
Mangattuparamban Palachola House,  
Cheruvayur, Malappuram

**Vs**

Kerala State Level Environment : **RESPONDENTS**  
Impact Assessment Authority & Others

**REPORT FILED BY THE KERALA STATE POLLUTION  
CONTROL BOARD ON OA NO.14/2016, AS PER NGT  
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**Back ground in brief:**

OA 14/2016 has been filed before the Hon'ble NGT, by Shri. Muhammed Mangattuparamban, Palachola House, Cheruvayur, Malappuram in 2016 regarding illegal laterite quarrying activities carried out by respondents 5 to 8 in the nearby neighbourhood of the applicant. Hon'ble NGT vide order dated: 07.01.2020 issued directions to KSPCB "to file a detailed report as to whether the closure order has been made effective and also assess the environmental compensation for the past violation considering the quantity of laterite stone extracted and the amount required for restoring the damage caused for environment as has been directed by the Tribunal



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**SAUMA HAMEED**  
Environmental Engineer

*in several cases and submit a report within a period of one month. Post the matter on 25.02.2020".*

Accordingly site inspection was conducted and report was filed by the 2<sup>nd</sup> respondent Board, before the Hon'ble NGT on 25.02.2020. In that report, it was submitted before the Hon'ble Tribunal vide paragraph 5 of the report that *"Environmental Compensation for 'past violation' is being calculated for the period during which the quarry had worked without obtaining Board's mandatory consent and also violating Board's distance norms"*. Through this report it was brought to notice of the Hon'ble Tribunal vide paragraph 6 of the report that *"the power of levying of 'Environmental Compensation' as per section 5 of the Environmental (Protection) Act 1986, can only be exercised by the Board Chairman, as per notification S.O.No.327(E) dated: 10<sup>th</sup> April 2001 of the Govt of India"*. As at that time the post of the Chairman was vacant, it was informed the Hon'ble Tribunal that, necessary action to impose Environmental Compensation will be taken as soon as the new Chairman assumes charge.

Also vide paragraph 7 of the report it was submitted before the Hon'ble Tribunal that for assessing the actual damage caused due to the quarrying activity, a committee with Senior officer of the Directorate of Mining & Geology, Chief Environmental Engineer Regional Office Kozhikode, Village Officer, Senior officer from Ground Water Department, and District Environmental Engineer has been constituted, by the Board Member Secretary. Accordingly site inspection was



*V. Hameed*

**SAUMA HAMEED**  
Environmental Engineer

conducted by the committee on 19.03.2020 to assess any actual damage happened to the environment in order to assess 'Environmental Damage Compensation'. Committee report was submitted before this Hon'ble Tribunal on the next hearing date on 02.06.2020. An individual report was also submitted by the 2<sup>nd</sup> respondent Kerala State Pollution Control Board during this hearing.

This Hon'ble Tribunal was not pleased with the findings of the Committee, and vide paragraph 8 of Its order dated: 02.06.2020, directed "*the committee to revisit the issue of imposing Environmental Compensation on the basis of the guidelines given by the Principal Bench of the Tribunal in similar matters and assess Environmental Compensation and take steps to recover the amount from the violator in accordance with the law, after providing him necessary opportunity of being heard and submit a report to this Tribunal within a month*".

Pursuant to the Hon'ble Tribunal above dated 02/06/2020 above, the committee had revisited the issue of imposing Environmental compensation and observed that the Environmental Compensation calculated was adequate. Notice under Section 5 of the Environmental (Protection) Act was issued to the party by the Chairman of the Board who is the competent authority for issuing the same. Hearing was conducted by the Committee with the party and the report on hearing (Minutes) was sent to the Head Office of the Board on 12.08.2020, for proceeding with further steps on levying the



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**SAUMA HAMEED**  
Environmental Engineer

Environmental Compensation from the violator by the competent authority in accordance with the law.

The Hon'ble Tribunal had considered the report submitted by the committee signed on 27.08.2020, and also considered the submission made by the learned counsel appearing for the Kerala State Pollution Control Board and posted the case to 01/10/2020 for submission of further report. When the matter came up for hearing on 01/10/2020 the learned counsel appeared for the Kerala State Pollution Control Board submitted that Board had already initiated proceedings for recovery of environmental compensation assessed and requested some more time to submit the further action taken report. Considering the circumstances, this Hon'ble Tribunal directed the Kerala State Pollution Control Board to submit the report on or before 20.10.2020.

**Accordingly this report is being submitted.**

1. The quarry owner had submitted a letter to the Head office of the Board, in reply to the Notice issued under Section 5 of E(P) Act by the Board Chairman. A direction letter was received from the Board member secretary by No. PCB /HO /MLPM / NGT Cases/2020 dated 23/09/2020 enclosing reply of quarry owner, directing the District Environmental Engineer to submit remarks on the same. A copy of the same is submitted here with and marked as **Annexure I**. As the **Annexure I** letter was not supported with any documental evidence for his claims a letter was issued to the quarry owner's address, directing him to submit



A handwritten signature in green ink, appearing to read 'Sauma Hameed', written over a horizontal line.

**SAUMA HAMEED**  
Environmental Engineer

supporting documents for his justifications to consider his request to drop action on imposing EC. A copy of the same is attached herewith and marked as **Annexure II**. As no response was received from his end he was also tried to contact over his mobile number, but he does not responded to the same.

2. It is humbly submitted before the Hon'ble tribunal that Board has categorized Laterite quarries as GREEN category and informed vide letter, No.PCB/HO/SEE3/TECH/48/2019 Dated 30/09/2020, enclosing "Methodology for calculating Rupee factor (R) in cases of imposing Environmental Compensation as per CPCB guide lines and a specific calculation done for laterite quarry". A copy of the same is attached herewith and marked as **Annexure III**. On the light of **Annexure III**, the EC was recalculated, and a reply letter was submitted to the **Annexure I** letter of Board Member Secretary, informing the situation and including recalculated EC, for initiating further necessary actions from the higher office in accordance with law. A copy of the same is attached herewith and marked as **Annexure IV**.
3. It is respectfully submitted before this Hon'ble Tribunal that on the basis of the recalculated value of Environmental Compensation, Notice under Section 5 of the E (P) Act is again being issued to the quarry owner by the Board Chairman on 15/10/2020. A copy of the same by No.PCB/HO/MLPM/NGT Cases/2020 dated 15/10/2020 is attached here with and marked as **Annexure V**.



*Handwritten signature in green ink.*

**SAUMA HAMEED**  
Environmental Engineer

4. That vide **Annexure V** Notice, the quarry owner is being directed to deposit an Environmental Compensation of Rupees: 4, 50,000/- within seven days of receipt of the Notice, to the District office of the Board at Malappuram.

Dated this the 16<sup>th</sup> day of October 2020

For and On Behalf Of  
The Kerala State Pollution Control Board



Environmental Engineer  
Kerala State Pollution Control Board,  
District Office, Malappuram.

**SAUMA HAMEED**  
Environmental Engineer





General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151  
E-mail: kas,kspcb@gov.in FAX: 0471 - 2318134, 2318152 web: www.keralapcb.nic.in

# KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram - 695 004  
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004

പിസിബി/എച്ച്ഒ/എംഎൽപിഎം/എൻജിറ്റി-കേസ്/2020 തീയതി: 23/09/2020

പ്രേഷിത  
മെമ്പർ സെക്രട്ടറി

സ്വീകർത്താവ്  
എൻവയോൺമെന്റൽ എഞ്ചിനീയർ  
ജില്ലാ ഓഫീസ്  
മലപ്പുറം

14/2020

വിഷയം: - എൻവയോൺമെന്റൽ കോമ്പൻസേഷനായി ബോർഡ് നൽകിയ നോട്ടീസ് -സംബന്ധിച്ച്.

12

സൂചന:- 22/06/2020 തീയതിയിലെ PCB/HO/MLPM/NGT-CASES/2020 നമ്പർ കത്ത്.

7/10/2020

മേൽ സൂചന പ്രകാരം ബോർഡ് നൽകിയ നോട്ടീസിന്മേൽ ശ്രീ. റഷീദലി, സമർപ്പിച്ച മറുപടി കത്ത് ഉള്ളടക്കം ചെയ്യുന്നു. ആയതിന്മേലുള്ള താങ്കളുടെ റിപ്പോർട്ട് ലഭ്യമാക്കേണ്ടതാണ്.

വിശ്വസ്തതയോടെ,

Report already sent.

Thridup  
for മെമ്പർ സെക്രട്ടറി

ഉള്ളടക്കം: മേൽപ്രകാരം

2925  
8/9/2020913  
22/8/20

REPLY Submitted by Sri. Rasheedali karuvalli, Kuzhimanna (P.O), Malappuram to the show cause notice dated 22.6.2020 bearing no. PCB/HO/MLPM/NGT cases/2020 issued by Kerala State Pollution Control Board.

In the above notice the order dated 25.2.2020 of National Green Tribunal referred above is not binding to me. The above notice issued by you on the basis of the said order is baseless and illegal. I have not done any kind of environmental damage as stated in your notice. I have not operated quarry without consent or mining permit for ninety days. I have not liable to pay the compensation amount stated in your notice on the ground of environmental compensation.

I have conducted a quarry for hardly one month in Vazhakkad village in Survey no. (B1-18) 483/1/1 with valid quarrying permit no. 237/2015-16/LT/DOM/M/1366/2015 issued by the Mining and Geology department dated 7.9.2015 as well as valid license from Vazhakkad Panchayath. The order referred by you in the show cause notice is seen dated 25.2.2020. The said order has no retrospective effect. So the notice issued by you has no merit and meaning.

Therefore it is humbly prayed that my reply may be accepted and further action on the basis of the show cause notice dated 22.6.2020 may be dropped.

Dated this the 19<sup>th</sup> day of August 2020

Rasheedali

# KERALA STATE POLLUTION CONTROL BOARD

DISTRICT OFFICE, 19/269 A, PERINTHALMANNA ROAD, UP HILL .P.O, MALAPPURAM - 676 505

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

ജില്ലാ ഓഫീസ്, 19/269A, പെരിന്തൽമണ്ണ റോഡ്, കുന്नुമ്മൽ. പി.ഒ, മലപ്പുറം - 676 505

ഫോൺ (Phone): 0483-2733211, ഫാക്സ് (Fax): 0483-2733211

പിസിബി/എംഎൽപിഎം/സിഒഎം(എൻജിടി)/14/16

തീയതി: 29.09.2020

ഭരണഭാഷ - മാതൃഭാഷ

പ്രേഷിത,

എൻവയോൺമെന്റൽ എഞ്ചിനീയർ.

DESPATCHED  
On 29-9-2020

സ്വീകർത്താവ്,

ശ്രീ.റഷീദലി കെ  
കരുവാലി,  
കുഴിമണ്ണ. പിഒ,  
മലപ്പുറം  
ഫോൺ - 9961735974.

വിഷയം:- OA 14/2016 - ലാറ്ററൈറ്റ് മൈനിംഗ് - എൻവയോൺമെന്റൽ

കോമ്പൻസേഷൻ - സംബന്ധിച്ച്.

സൂചന: - മേൽ വിഷയത്തിലെ എൻ.ജി.ടി വിധി പ്രകാരം ബോർഡ് ചെയർമാൻ നൽകിയ നോട്ടീസിന് താങ്കൾ സമർപ്പിച്ച മറുപടിക്കത്ത് ഉള്ളടക്കം ചെയ്ത് 28/09/2020ന് ബോർഡ് ജില്ലാ ഓഫീസിൽ ലഭിച്ച മെമ്പർ സെക്രട്ടറിയുടെ കത്ത്

സർ,

വിഷയത്തിലേക്ക് ശ്രദ്ധ ക്ഷണിക്കുന്നു.

പരിസ്ഥിതി സംരക്ഷണ നിയമം 1986 സെക്ഷൻ 5 പ്രകാരം ബോർഡ് ചെയർമാൻ താങ്കൾക്ക് അയച്ച് നോട്ടീസിന് താങ്കൾ ബോർഡിന്റെ മുഖ്യകാര്യാലയത്തിൽ സമർപ്പിച്ച മറുപടിയുടെ പകർപ്പ് ഈ ഓഫീസിലേക്ക് സൂചന (1) പ്രകാരം റിപ്പോർട്ടിനായി അയച്ചു നൽകിയിരുന്നു. താങ്കൾ പ്രസ്തുത കത്തിൽ അവകാശപ്പെടുന്നത് താങ്കൾ കേവലം ഒരു മാസക്കാലം മാത്രമേ എല്ലാ ആവശ്യമായ രേഖകളോടും ലൈസൻസോടും കൂടി ലാറ്ററൈറ്റ് മൈനിങ്ങ് നടത്തിയിട്ടുള്ളൂ എന്നാണ്. എന്നാൽ ഇതിൽ നിന്ന് വിരുദ്ധമായി എക്സ്പർട്ട് കമ്മിറ്റി സ്ഥല പരിശോധന നടത്തിയ വേളയിലും ജില്ലാ ഓഫീസിൽ വെച്ച് താങ്കളെ കമ്മിറ്റി ഹിയറിങ്ങ് നടത്തിയ വേളയിലും താങ്കൾ മൂന്നു മാസക്കാലമാണ് മൈനിങ്ങ് നടത്തിയത് എന്നാണ് ബോധിപ്പിച്ചിരുന്നത്. ഈ രണ്ട് പ്രസ്താവനകളും തമ്മിൽ പൊരുത്തപ്പെടുന്നില്ല. താങ്കൾ ഒരു മാസക്കാലമേ മൈനിങ്ങ് നടത്തിയിട്ടുള്ളൂ എന്ന് തെളിയിക്കുന്ന ആധികാരികമായ എന്തെങ്കിലും തെളിവുകളുടേയോ രേഖകളുടേയോ പിൻബലമില്ലാതെ താങ്കളുടെ മറുപടി കത്ത് പ്രകാരമുള്ള അപേക്ഷ ബോർഡിന് പരിഗണിക്കാൻ സാധ്യമല്ല.

ആയതിനാൽ താങ്കളുടെ പ്രസ്താവന ശരിയാണ് എന്ന് തെളിയിക്കുന്നതിനും താങ്കൾക്ക് എൻവയോൺമെന്റൽ കോമ്പൻസേഷൻ ബാധകമാവുകയില്ല എന്ന അവകാശവാദങ്ങൾക്ക് പിൻബലമായും മതിയായ രേഖകൾ ഈ കത്ത് കിട്ടി രണ്ട് ദിവസത്തത്തിനകം ബോർഡിന്റെ മലപ്പുറം ജില്ലാ ഓഫീസിലോ ഹെഡ് ഓഫീസിൽ നേരിട്ടോ സമർപ്പിക്കേണ്ടതാണ് എന്ന് അറിയിക്കുന്നു. അല്ലാത്ത പക്ഷം താങ്കൾ നിയമപ്രകാരമുള്ള പിഴ ഒടുക്കുന്നതിന് നിർബന്ധിതനായേക്കാം എന്ന് അറിയിക്കുന്നു.

വിശ്വസ്തതയോടെ



എൻവയോൺമെന്റൽ എഞ്ചിനീയർ.

പകർപ്പ്:

- 1) മെമ്പർ സെക്രട്ടറി,  
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്,  
ഹെഡ് ഓഫീസ്, തിരുവനന്തപുരം.
- 2) ചീഫ് എൻവയോൺമെന്റൽ എഞ്ചിനീയർ,  
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്,  
റീജിണൽ ഓഫീസ്, കോഴിക്കോട്.



# KERALASTATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram - 695 004

പട്ടം പി.ഒ.; തിരുവനന്തപുരം - 695 004

PCB/HO/SEE3/TECH/48/2019

Date: 30/09/2020

From

The Member Secretary

To

1. The Chief Environmental Engineer,  
Regional Office,  
Thiruvananthapuram, Ernakulam
2. The Environmental Engineer,  
District Office,  
Thiruvananthapuram, Kollam, Pathanamthitta, Alapuzha, Idukki, Kottayam,  
Ernakulam-1, Ernakulam-2, ESC - Eloor, Thrissur, Palakkad, Malappuram,  
Kozhikode, Kannur, Wayanad, Kasargod.

Sub: - Calculation of Rupee Factor (R) for Laterite Quarry - Reg.

Sir/Madam,

A methodology for calculating Rupee Factor (R) in cases of imposing Environmental Compensation as per CPCB guidelines and a specific calculation done for Laterite Quarry is enclosed for necessary action.

Yours faithfully,

  
MEMBER SECRETARY

Encl: As above

Copy to:

1. All Technical Officers in Head Office
2. IT Cell (for uploading in Board Website)
3. CA to Chairman/Member Secretary/CEE

S. No.	Particulars	Amount	Remarks
1			
2			
3			
4			

### Note on calculating Rupee factor (R)

#### Calculation of Environmental Compensation

As per CPCB guideline Environmental Compensation is calculated using the following formula:

$$EC = PI \times N \times R \times S \times LF$$

PI = Pollution Index of Industrial Sector

N = No. of days of violation

R = A factor for Rupee for EC

S = Factor for scale of operation

LF = Location Factor

- The industrial sectors have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange and Green categories of industries, respectively.
- N, number of days for which violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by CPCB/SPCB/PCC.
- R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of violation.
- S could be based on small/medium/large industry categorization, which may be 0.5 for micro or small, 1.0 for medium and 1.5 for large units.
- LF, could be based on population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or up to 10 km distance from the municipal boundary of the city/town, following factors (LF) may be used:

S. No.	Population* (million)	Location Factor* (LF)
1	1 to <5	1.25
2	5 to <10	1.5
3	10 and above	2.0

### Calculation of Rupee Factor (R factor)

As per CPCB guideline R has to be in the range of 100 to 500 and usually taken as 250.

The R factor shall be calculated based on the Number of working days per year (No of days of violation ( $N_a$ ), Category of the activity ( $C_r$ ), Factor for Scale of the unit ( $S_r$ ).

$$R = 100 + 21.75(N_a \times C_r \times S_r)$$

The minimum value of R may be taken as 250.

#### Factor for No of days of violation ( $N_a$ )

It is the number of working days ie, Number of days for which violation is observed.

Consider  $N_a$  factor as 1 up to 365 days, 2 for 365 to 730 days, 3 for 730- 1095 days and 3.5 above 1095 days

Na ( number of working days) factor	Value
up to 365 days	1.0
365 to 730 days	2.0
730-1095 days	3.0
Above 1095 days	3.5

This  $N_a$  value is applicable only for R factor calculation

#### Category Score ( $C_r$ )

$C_r$  (category score) may be taken as 0.5, 1.0 & 1.5 for Green, Orange & Red respectively.

Category	Category score ( $C_r$ )
Green	0.5
Orange	1.0
Red	1.5

#### $S_r$ (Scale factor)

$S_r$  (scale factor) may be taken as 1.0, 2.5 & 3.5 for small (< 5 crore), Medium (5-10 crore) & Large Scale (>10 crore) respectively.

Scale	$S_r$ Factor
Small (< 5 crore)	1.0
Medium (5-10 crore)	2.5
Large (>10 crore)	3.5

Calculation of R factor for Laterite Quarries**In case of Laterite Quarries**

Unauthorized operation of laterite quarries result in large scale environmental degradation. It also results large financial loss to the exchequer.

Hence severe penalties have to implemented to prevent such violations in future. Moreover the Board is at liberty to make the norms more severe. It is considered under ~~Green~~ Category.

Eg:-  
If the laterite quarry considered is Small scale and if the number of violation days observed ie total number of working days is 320, then  
 $N_a = 1, C_r = 0.5, S_r = 1$

**Rupee Factor (R)**

$$R = 100 + 21.75(N_a \times C_r \times S_r)$$

$$\begin{aligned} \text{R factor, } R &= 100 + 21.75(N_a \times C_r \times S_r) \\ &= 100 + 21.75(1 \times 0.5 \times 1) \\ &= 100 + 10.875 \\ &= \underline{110.875} \end{aligned}$$

The minimum value of R may be taken as 250 and hence the R factor may be taken as 250 in the above case.

  
CHAIRMAN

## KERALA STATE POLLUTION CONTROL BOARD

DISTRICT OFFICE, 19/269 A, PERINTHALMANNA ROAD, UP HILL .P.O, MALAPPURAM - 676 505

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

ജില്ലാ ഓഫീസ്, 19/269A, പെരിന്തൽമണ്ണ റോഡ്, കുന്തുമ്മൽ. പി.ഒ, മലപ്പുറം - 676 505

ഫോൺ (Phone): 0483-2733211, ഫാക്സ് (Fax): 0483-2733211

o/c

PCB/MLPM/COM (NGT)/14/16

Date: 05.10.2020

NGT MATTER-VERY URGENT

From

The Environmental Engineer

To

The Member Secretary,  
Kerala State Pollution Control Board,  
Thiruvananthapuram.

DESPATCHED

On 7/10/2020

Sub: - **O.A. No. 14/2016 (SZ)** – EC for illegal laterite mining- notice issued by  
the Chairman- reg.

Ref: - 1) Hon'ble NGT order on OA No. 14/2016 (SZ) dated 27.08.2020.

2) Letter No.PCB/HO/MLPM/NGT-Case/2020 from Board member Secretary  
dated: 23.09.2020.

3) This office letter of even number dated 29.09.2020.

4) This office e mail dated 30.09.2020 to Board Standing Council, requesting  
extend of date of submission of report to NGT.

5) This office letter of even number issued to quarry owner dated 29.09.2020.

6) Hon'ble NGT Order dated 01.10.2020.

7) Letter no.PCB/HO/SEE3/TECH/48/2019 from Head Office technical section  
dated 30.09.2020

Respected Madam,

Inviting kind attention to the references cited. As per the letter vide reference (2), it was directed to submit a report on the reply submitted by the quarry owner to Notice issued by Board Chairman under section (5) of the Environmental (Protection) Act. As it was duly pointed out in the letter vide reference (3), the reply letter submitted by the quarry owner was lacking any substantiating documents to prove his claims. Hence he was given a direction letter (reference (5)) to produce sufficient documentary proof to strengthen his claims. (Copy of the same is enclosed with). No reply was received at this office till date for the same. Also the quarry owner was tried to contact over his personal mobile number several times but failed as he was not attending calls. It may please be noticed that the Hon'ble NGT had fixed the next

hearing on 20.10.2020 of this month itself, and Kerala State Pollution Control Board is directed to submit the report on or before 20.10.2020 with required hard copies as per rules and also e-file the report. (Copy of the NGT Order is attached herewith for reference).

Since the quarry owner had not responded to the reference (5) letter or phone calls, it is humbly reported that I am unable to report the genuineness of his claims in the reply letter submitted. As far as he is not responding with sufficient proofs, it is not possible to change the recommendation submitted by the committee as well as by the Board as respondent.

More over it is hereby informed that the value of **Environmental Compensation is recalculated based on the Head office technical section e.mail dated 30.09.2020, and letter from Head office vide reference (7).**

The revised Environmental Compensation calculation is given underneath.

**Environmental Compensation (for violation of Rules)**

$$EC = PI \times N \times R \times S \times LF$$

Where PI is the Pollution Index

$$(PI = 30 \text{ for Green Category Industry})$$

N is the Number of Days of Violation

$$N = 90 \text{ (As per quarry owners report during inspection and hearing)}$$

R is the Rupee Factor

$$R = 100 + 21.75 (N_a \times C_r \times S_r)$$

$N_a$  is the Number of Working Days Factor.

$$N_a = 1 \text{ (up to 365 days) Hence}$$

$$N_a = 1 \text{ (for 90 days as well)}$$

$C_r$  is Category Score

$$C_r = 0.5 \text{ (For Green Category Industry)}$$

$S_r$  is Scale Factor

$$S_r = 0.5 \text{ (For Small Scale Industries)}$$

$$\text{So, } R = 100 + 21.75 (1 \times 0.5 \times 1)$$

$$= 100 + 21.75 \times 0.5$$

$$= 100 + 10.875$$

$$= 110.875/-$$

=====

It is suggested that the minimum value of R may be taken as 250 for calculating EC in cases of violations. Hence R factor may be taken as 250 here

$$\begin{aligned} \text{EC} &= 30 \times 90 \times 250 \times 0.5 \times 1 \\ &= ₹ 3,37,500/- \\ &===== \end{aligned}$$

If the quarry owner submits any proof that he had conducted quarrying for only one month the value of EC may reduce further as follows.

$$\begin{aligned} \text{EC} &= 30 \times 30 \times 250 \times 0.5 \times 1 \\ &= ₹ 1,12,500/- \\ &===== \end{aligned}$$

Further I would like to bring to your kind notice that, as the power to give Notice under Environmental (Protection) Act 1986 is vested with the Board Chairman, and as by now, the Environmental Compensation value is revised, necessary intimation regarding the same is to be communicated to the quarry owner from the Head office itself, and he be heard in person by the Board Chairman regarding his demand as well as grievances, to complete the entire process to comply with Hon'ble NGT directions. Above facts are submitted herewith for kind consideration and necessary action in accordance with the relevant Rules. Furthermore I am mentioning herewith the communication address and contact number of the quarry owner for kind information.

Rasheedali.K  
Karuvalli  
Kuzhimanna P.O  
Malappuram District  
Mob: 9961735974

Yours faithfully,



ENVIRONMENTAL ENGINEER

Enclosures: As Above

3/3

Copy to:

The Chief Environmental Engineer,  
Kerala State Pollution Control Board,  
Regional Office, Kozhikode.

# KERALA STATE POLLUTION CONTROL BOARD

DISTRICT OFFICE, 19/269 A, PERINTHALMANNA ROAD, UP HILL .P.O, MALAPPURAM - 676 505

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

ജില്ലാ ഓഫീസ്, 19/269A, പെരിന്തൽമണ്ണ റോഡ്, കുന്നുമ്മൽ. പി.ഒ, മലപ്പുറം - 676 505

ഫോൺ (Phone): 0483-2733211, ഫാക്സ് (Fax): 0483-2733211

പിസിബി/എംഎൽപിഎം/സിഒഎം(എൻജിടി)/14/16

തീയതി: 29.09.2020

ഭരണഭാഷ - മാതൃഭാഷ

പ്രേഷിത,  
എൻവയോൺമെന്റൽ എഞ്ചിനീയർ.

DESPATCHED  
On 29-9-2020

സ്വീകർത്താവ്,

ശ്രീ.റഷീദലി കെ  
കരുവാലി,  
കുഴിമണ്ണ. പി.ഒ,  
മലപ്പുറം  
ഫോൺ - 9961735974.

വിഷയം:- OA 14/2016 - ലാറ്ററൈറ്റ് മൈനിംഗ് - എൻവയോൺമെന്റൽ

കോമ്പൻസേഷൻ - സംബന്ധിച്ച്.

സൂചന: - മേൽ വിഷയത്തിലെ എൻ.ജി.ടി വിധി പ്രകാരം ബോർഡ് ചെയർമാൻ നൽകിയ നോട്ടീസിന് താങ്കൾ സമർപ്പിച്ച മറുപടിക്കത്ത് ഉള്ളടക്കം ചെയ്ത് 28/09/2020ന് ബോർഡ് ജില്ലാ ഓഫീസിൽ ലഭിച്ച മെമ്പർ സെക്രട്ടറിയുടെ കത്ത്

സർ,

വിഷയത്തിലേക്ക് ശ്രദ്ധ ക്ഷണിക്കുന്നു.

പരിസ്ഥിതി സംരക്ഷണ നിയമം 1986 സെക്ഷൻ 5 പ്രകാരം ബോർഡ് ചെയർമാൻ താങ്കൾക്ക് അയച്ച് നോട്ടീസിന് താങ്കൾ ബോർഡിന്റെ മുഖ്യകാര്യാലയത്തിൽ സമർപ്പിച്ച മറുപടിയുടെ പകർപ്പ് ഈ ഓഫീസിലേക്ക് സൂചന (1) പ്രകാരം റിപ്പോർട്ടിനായി അയച്ചു നൽകിയിരുന്നു. താങ്കൾ പ്രസ്തുത കത്തിൽ അവകാശപ്പെടുന്നത് താങ്കൾ കേവലം ഒരു മാസക്കാലം മാത്രമേ എല്ലാ ആവശ്യമായ രേഖകളോടും ലൈസൻസോടും കൂടി ലാറ്ററൈറ്റ് മൈനിങ്ങ് നടത്തിയിട്ടുള്ളൂ എന്നാണ്. എന്നാൽ ഇതിൽ നിന്ന് വിരുദ്ധമായി എക്സ്പർട്ട് കമ്മിറ്റി സ്ഥല പരിശോധന നടത്തിയ വേളയിലും ജില്ലാ ഓഫീസിൽ വെച്ച് താങ്കളെ കമ്മിറ്റി ഹിയറിങ്ങ് നടത്തിയ വേളയിലും താങ്കൾ മൂന്നു മാസക്കാലമാണ് മൈനിങ്ങ് നടത്തിയത് എന്നാണ് ബോധിപ്പിച്ചിരുന്നത്. ഈ രണ്ട് പ്രസ്താവനകളും തമ്മിൽ പൊരുത്തപ്പെടുന്നില്ല. താങ്കൾ ഒരു മാസക്കാലമേ മൈനിങ്ങ് നടത്തിയിട്ടുള്ളൂ എന്ന് തെളിയിക്കുന്ന ആധികാരികമായ എന്തെങ്കിലും തെളിവുകളുടേയോ രേഖകളുടേയോ ക്ലിൻബലമില്ലാതെ താങ്കളുടെ മറുപടി കത്ത് പ്രകാരമുള്ള അപേക്ഷ ബോർഡിന് പരിഗണിക്കാൻ സാധ്യമല്ല.

ആയതിനാൽ താങ്കളുടെ പ്രസ്താവന ശരിയാണ് എന്ന് തെളിയിക്കുന്നതിനും താങ്കൾക്ക് എൻവയോൺമെന്റൽ കോമ്പൻസേഷൻ ബാധകമാവുകയില്ല എന്ന അവകാശവാദങ്ങൾക്ക് പിൻബലമായും മതിയായ രേഖകൾ ഈ കത്ത് കിട്ടി രണ്ട് ദിവസത്തിനകം ബോർഡിന്റെ മലപ്പുറം ജില്ലാ ഓഫീസിലോ ഹെഡ് ഓഫീസിൽ നേരിട്ടോ സമർപ്പിക്കേണ്ടതാണ് എന്ന് അറിയിക്കുന്നു. അല്ലാത്ത പക്ഷം താങ്കൾ നിയമപ്രകാരമുള്ള പിഴ ഒടുക്കുന്നതിന് നിർബന്ധിതനായേക്കാം എന്ന് അറിയിക്കുന്നു.

വിശ്വസ്തതയോടെ



എൻവയോൺമെന്റൽ എഞ്ചിനീയർ.

പകർപ്പ്:

- 1) മെമ്പർ സെക്രട്ടറി,  
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്,  
ഹെഡ് ഓഫീസ്, തീരുവനന്തപുരം.
- 2) ചീഫ് എൻവയോൺമെന്റൽ എഞ്ചിനീയർ,  
കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്,  
റീജിണൽ ഓഫീസ്, കോഴിക്കോട്.



General: 0471- 2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151  
e-mail: ms.kspcb@gov.in FAX: 2318152 web: www.keralapcb.nic.in

## KERALA STATE POLLUTION CONTROL BOARD

Pattom P.O., Thiruvananthapuram – 695 004



PCB/HO/MLPM/NGT Cases /2020

Date: 15.10.2020

Registered with A/D

### NOTICE UNDER ENVIRONMENTAL (PROTECTION) ACT, 1986

Sub: Unauthorized operation of laterite quarry without Consent to Operate from the Board

Ref: 1. Order dated 25.02.2020 of Hon'ble National Green Tribunal in O.A. No. 14/2016(SZ)

2. Notice No. PCB/HO/MLPM/NGT Cases/2020 Dated 22.06.2020

3. Your reply dated 19.08.2020

4. Letter no. PCB/HO/MLPM(NGT)14/16 dated 29.09.2020 of the Environmental Engineer, District Office, Malappuram

5. Letter no. PCB/HO/MLPM(NGT)14/16 dated 05.10.2020 from the Environmental Engineer, District Office, Malappuram

WHEREAS the Central Government notified the Environmental (Protection) Act, 1986 for the protection and improvement of environment and for matters connected therewith;

WHEREAS Shri. Muhammed has registered a case before the Hon'ble National Green Tribunal against your illegal laterite quarrying in Sy.no. B1.18.483/1/1 of Vazhakkad Village, Kondotty Taluk, Malappuram vide O.A. No. 14/2016;

WHEREAS THE Hon'ble NGT has directed the Kerala State Pollution Control Board vide order dated 25.02.2020 to assess the environmental compensation for the past violation considering the quantity of laterite extracted;

WHEREAS the Board Officers and committee members deputed for assessing environmental damage inspected the quarry premises on 19.03.2020;

15/10/2020

WHEREAS it has come to the notice that you have operated quarry without any consent of the Board for 90 days;

WHEREAS based on the methodology developed by CPCB, Environmental Compensation was calculated as Rs. 6,250/- per day of non-compliance with effect from 07.09.2015;

WHEREAS a Notice was sent vide paper read (2) above to show cause why the unit shall not be directed to deposit an Environmental Compensation of Rs. 5,62,500/- for 90 days from 07.09.2015;

WHEREAS vide reply read (3) above you have requested to drop further action on the basis of the show cause notice as you have conducted quarrying in Vazhakkad village for hardly one month with valid quarrying permit no. 237/2015-16/LT/DOM/M/1366/2015 dated 07.09.2015 issued by the Mining and Geology department;

WHEREAS vide letter read (4) above, you were informed from the District Office of the Board at Malappuram that your request couldn't be considered as you have not submitted any documentary evidence for justification;

WHEREAS the Environmental Engineer, District Office, Malappuram vide letter read (5) above informed that you have not responded to the letter above ;

WHEREAS the Board has categorized laterite quarry under green category;

WHEREAS the EC was recalculated based on the methodology developed by CPCB as follows;

$$EC=PI*N*R*S*LF$$

Where PI is the Pollution Index (PI= 30 for green category)

N is the Number of days of violation

N= 90 days

R is the Rupee factor

$$R= 100+21.75 (Na*Cr*Sr)$$

Na is the number of working days factor

Na =1 (upto 365 days) Hence

Na= 1 (for 90 days)

Sr is the Scale Factor;  $Sr=0.5$  ( for small scale industries)

So,  $R= 100+21.75 (1*0.5*1) = 110.875$

It is suggested to consider R as 250

S- Factor for scale of operation (0.5 for small scale industries)

LF- Location factor (1 for less than 1 million population)

EC-  $30*250*0.5*1 = Rs.3,750/-$  (per day);

AND WHEREAS in any case, minimum Environmental Compensation shall be Rs.5000/- per day, as per CPCB Guidelines;

NOW THEREFORE, in exercise of the powers vested under Section 5 of Environment (Protection) Act, 1986, you are hereby directed to deposit an Environmental Compensation of Rs. 4,50,000/- (Rupees Four lakh and fifty thousand only) for 90 days from 07.09.2015 to 06.12.2015 within 7 days of the receipt of this Notice, to the District Office of the Board at Malappuram.

Sd/-

CHAIRMAN

To

Shri. Rashedali K.,  
Karuvalli, Kuzhimanna P.O.,  
Malappuram- 673641.

Copy to:

1. Chief Environmental Engineer, Regional Office, Kozhikode
2. Environmental Engineer, District Office, Malappuram



FORWARDED/BY ORDER

CHIEF ENVIRONMENTAL ENGINEER