

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 142 OF 2020 (SZ)**

**REPORT SUBMITTED BY THE DIRECTORATE OF MINING AND
GEOLOGY/7TH RESPONDENT**

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Dated at Chennai on this the 23rd day of July, 2022.

M/s. E.K.KUMARESAN

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

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**REPORT SUBMITTED BEFORE THE HONOURABLE NATIONAL GREEN
TRIBUNAL BY THE DIRECTOR OF MINING AND GEOLOGY IN OA NO.142/2020
AS PER THE DIRECTION OF THE HONOURABLE TRIBUNAL**

1. It is most humbly submitted that by obeying the order dated 07.08.2020 of the Honourable National Green Tribunal in OA 142/2020(SZ) a joint committee comprising of 1) The District Collector, Pathanamthitta District 2) Senior Officer/Scientist from State Environment Impact Assessment Authority (SEIAA) Kerala (3) The then Director, Directorate of Mining & Geology and 4) Senior Officer from Kerala State Pollution Control Board was constituted to inspect the area in question. Accordingly site inspections were conducted on 07.10.2020 and 23.01.2021 by the Joint Committee. Apart from that an inspection was conducted by a team comprising of Geologist, Pathanamthitta, a Geologist from Directorate of Mining and Geology and officers from Fire & Rescue Services, Pathanamthitta. It was entrusted to the Taluk Surveyor, Mallappally to assess the mined out area within and outside the permitted lease area and the Director of Mining and Geology deputed an Assistant Geologist from the Directorate, to assist the District Geologist, Pathanamthitta and the Taluk Surveyor in the assessment works done by the Survey team. The Tahsildar, Mallappally handed over the survey sketch of the area vide letter no.A3-3240/19 dated 04.01.2021 via post, which this office received only on 23.01.2021. Meanwhile vide letter No.6916/M2/2020 dated 23.11.2020 to District Fire Officer, Fire and Rescue Services, Pathanamthitta, this office requested the help of Fire and Rescue Services to determine the depth of two water-filled pits in the averred quarry and as described earlier, a joint site inspection comprising of Geologist, Pathanamthitta, a Geologist from Directorate of Mining and Geology and officers from Fire and Rescue Services, Pathanamthitta was conducted on 13.01.2021 to determining the depth of the water column in the quarry pits. Based on the survey works and depth measurement in the quarry, a joint site inspection of all committee members in the presence of the quarry owner and applicant was carried out on 23.01.2021 and Mahazar was also prepared during the joint inspection
2. It is most respectfully submitted that Shri. Naveen Mathew Philip, Thekkenedumplakkal, Mallappally West was granted quarrying permits and two quarrying leases for the extraction of Granite (Building Stone) from the Department of Mining and Geology. Quarrying operations were conducted in the area of both the leases from 2006-07 till 2015-16 financial year, based on RMCU registration granted to the crusher unit situated in the same premises. On perusal of the office records of the District Office of Mining and Geology, Pathanamthitta, it is seen that no mining plan and no mine closure plan was

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- approved for the two leases and no environmental clearance was obtained for the same.
3. It is humbly submitted that on preliminary examination itself, it was obvious that the quarry was subjected to over extraction of Granite (Building Stone) from inside the lease area and illegal extraction of Granite (Building Stone) from outside the lease area. Two quarry pits were seen in the averred area, the first pit being almost covered with water and the second pit fully covered with water. The first pit falls in Sy. Nos. 325/1,2,3, 326/2, 327/1 (2.0320 Hectares), 305/10,11,12, 325/1,2,3, 306/5, 326/2,5, 327/1 (1.6210 Hectares), 305/12, 306/5, 325/3, 326/5 (0.3740 Hectares) totaling to an area of 4.027 Hectares and the second pit falls in survey nos. 327/1, 328/6, 329/9,10 totaling to an area of 1.0160 Hectares. In addition to this the area was subjected to extraction of ordinary earth which was transported outside the averred quarry. A crusher is also situated in the quarry premises. On top of the quarry a worship place of the local tribes could also be seen. Area is hilly with exposed rocks and vegetation is meager. The area has rich deposits of Granite Building Stone.
 4. It is respectfully submitted that as stated earlier, three inspections were conducted by the then Director of Mining and Geology along with the committee members. An Assistant Geologist from the Directorate of Mining and Geology, Thiruvananthapuram was posted in the quarry site to support Geologist, Pathanamthitta and the survey team. Besides this the Director of Mining and Geology conducted two site visits to co-ordinate the survey works and during these visits necessary instructions were given to Geologist, Pathanamthitta regarding the assessment of the averred quarry.
 5. It is most humbly submitted that for estimation of the excavated quantity of granite building stone from the averred area, total station survey was conducted by the survey team of the Taluk office, Mallappally, Pathanamthitta. Through this survey the quantity of Granite (Building Stone) extracted above the water table was determined. Respective depths of the two water logged pits were also determined with the assistance of the officers from Fire and Rescue Services, Pathanamthitta by averaging the cross sectional depths of the respective pits. On 30.01.2021, the quarry owner, Sri. Naveen Mathew Philip was intimated to submit details of all documents/records like previous permits/leases/movement permits/transit passes/demand notices issued to him and details of the amount already compounded by him, if any, in the averred area within 10 days, to prove the quantity of Granite (Building Stone) he had legally extracted from the area. But the quarry owner did not respond or submit any substantial document at that time.

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Assessment of penalty for illegal extraction of minor minerals

(Based on Rule 108(1) &(2) of Kerala Minor Mineral Concession Rules 2015)

Volume of the extracted quantity of Granite Building Stone in the quarry derived by the survey team is given below:

Pit No.1

Excavated quantity from lease area above the water table seen as water logged	3,45,440 m ³	8,63,600 MT
Excavated quantity from lease area below the water table seen as water logged	2,62,534 m ³	6,56,335 MT
Excavated quantity from lease area excluding water logged area	2,75,570 m ³	6,88,925 MT
Excavated quantity from outside lease area	44,880 m ³	1,12,200 MT
Total quantity excavated from pit no.1 in metric tones		23,21,060 MT

Pit No.2

Excavated quantity from lease area above the water table seen as water logged	81,280m ³	2,03,200 MT
Excavated quantity from lease area below the water table seen as water logged	2,02,184m ³	5,05,460 MT
Total quantity excavated from pit no.2 in metric tones		7,08,660 MT

Total quantity excavated from Pit No. 1 and Pit No. 2 = **30,29,720 MT**

As per records available in District Office, Pathanamthitta, from the year 2004-05 to 2015-2016 the quarry owner was issued transit passes to transport 11,72,266 metric tonnes of Granite Building Stone (GBS)

Thus,

Quantity of GBS legally extracted from the lease area		11,72,266 MT
Quantity of GBS illegally extracted from within and outside the permitted area	30,29,720 – 11,72,266	18,57,454MT
Penalty for illegal extraction of 18,57,454 Metric Tonnes of Granite (building stone) (Royalty +Price + compounding fee)		Rs. 13,42,36,688/-

In addition to the above estimation, the party has to remit Rs.12, 21, 000/-

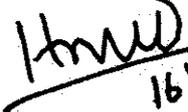
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towards the penalty for the unauthorized excavation and removal of 10,175 m³ (20,350 MT) of ordinary earth from the survey nos. 305/7, 305/9, 326/2, 3, 4 as estimated during the survey conducted by the survey team of Taluk Office, Mallappally. The penalty is imposed as the extracted ordinary earth has been transported outside the quarry site.

6. It is most respectfully submitted that the Geologist, District Office, Pathanamthitta shall be instructed to serve the 8th respondent with notice demanding payment of the above mentioned penalty for illegal mining of Granite Building stone and Ordinary Earth done covertly by misusing the mineral concessions granted to the 8th respondent.

All the averments stated above are true to the best of my knowledge and belief

Dated this on the 13th Day of July, 2022


16/7/22

DIRECTOR OF MINING AND GEOLOGY