

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

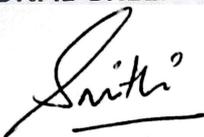
APPLICATION NO. 149 of 2022

Mr. Sankaran, Athannikkal House : Applicant

Versus

Secretary, Kerala State Pollution Control Board,
Thiruvananthapuram and others : Respondent(s)

**REPORT FIELD BY THE ENVIRONMENTAL ENGINEER AS PER ORDER OF THE
HON'BLE NATIONAL GREEN TRIBUNAL**



Rema Smrithi VK

STANDING COUNSEL FOR THE 7th RESPONDENT:

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

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Dated this the 26th day of September 2023

STANDING COUNSEL FOR THE 7th RESPONDENT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL CHENNAI

Application No. 149/2022

Mr. Sankaran, Athannikkal House : Applicant

VS.

Secretary, Kerala State Pollution Control Board,
Thiruvananthapuram and others : Respondent(s)

**REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION
CONTROL BOARD, DISTRICT OFFICE, PALAKKAD.**

I, Sri. Dinesh.K.S., aged 53 years, S/o K.V.Sidharthan, now working as Environmental Engineer, Kerala State Pollution Control Board, District Office, Palakkad, I am duly authorised to file report on behalf of the 7th respondent, Member Secretary, Kerala State Pollution Control Board.

1. The Hon'ble tribunal had vide order dated 11.08.2023 in original application no. 149/2022 stated as follows.
 - i) *The report of the District Collector dated 08.05.2023 specifically states that there are violations done by the 8th Respondent and regarding the 9th Respondent, there is no quarrying activity happening, as the permit expired as early as in November 2022. However, if there was any violation prior to that, it is for the Kerala State Pollution Control Board (KSPCB) to take appropriate action.*
 - ii) *It is stated by the KSPCB that they had issued notice. However, it is not known as to what further steps they have taken in this regard.*
 - iii) *Let the District Collector file another report updating the status.*
 - iv) *Respondents No.8 & 9 are also directed to file their reply (if any) to the report of the District Collector and the KSPCB.*



DINESH. K. S.
Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad

2. As per the above order, the action taken subsequent to the issue of direction letter to the 9th respondent are submitted hereunder. Board has issued direction letter to the 9th respondent to remove the top soil and overburden deposited near the crusher and to use it for the reclamation of the quarry pit as per the Environmental Clearance conditions. In the reply letter dated 21/07/2023, the 9th respondent submitted that the topsoil and overburden generated during the quarrying operations are stacked in their premises earmarked for the same only as per the conditions in Environmental Clearance and in compliance of the mine closure plan approved by the Department of Mining and Geology. The validity of their Environmental Clearance expired on 04.03.2023.
3. However removal of stacked topsoil and overburden is not done, since as per the advice from their mining consultant, removal during monsoon and heavy rain may result in inundation in the area and spreading of over burden to adjacent land. It was assured that the stacked soil and quarry overburden will be removed from the present site using it for phased restoration of mining pits as per the conceptual mine closure plan with proper terracing and stabilization with plantation in time bound manner after the recess of monsoon and heavy rain. It was also reported that the removal of soil dump from will commence from September 2023. Further it was ensured that measures will be provided to prevent runoff and erosion from the slopes with geotextiles and constructing embankment walls. Copies of the letter and photographs are produced herewith and marked as exhibit **R7 (a)**.
4. The site was inspected on 19/09/2023 and it was noticed that the work is initiated and foundation works of the embankment wall in the sloped area were going on. It was reported that the removal of stacked topsoil and overburden for restoring the quarry will start once the rain subsides.
5. All the above are true to the best of my knowledge, information and belief.

Dated this the 26th day of September 2023.



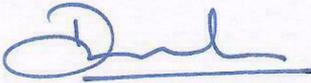
A handwritten signature in blue ink, appearing to read "Dinesh K. S.", written over a horizontal line.

DEPONENT

DINESH. K. S.
Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad

VERIFICATION

I, Dinesh K.S, aged 53 years S/o K.V. Sidharthan, now working as Environmental Engineer in the District Office - Palakkad of the Kerala State Pollution Control Board at Palakkad, duly authorized to file this reply on behalf of the Kerala State Pollution Control Board do hereby verify on this, the 26th day of September 2023, that all what is stated above is true and correct to the best of my knowledge, information and belief and is borne out from the records maintained in our office.



Dinesh K.S. Environmental Engineer,

District Office - Palakkad

Kerala State Pollution Control Board, Palakkad.

DINESH. K. S.
Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad



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TRIBUNAL SOUTHERN ZONE, CHENNAI**

APPLICATION NO. 149/2022

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AFFIDAVIT

I, Dinesh K.S, aged 53 years S/o K.V. Sidharthan, residing at Irinjalakuda do hereby solemnly affirm and state as follows:

I am now working as the Environmental Engineer, District Office – Palakkad Kerala State Pollution Control Board at Palakkad. I am competent to and duly authorized to represent the 7th respondent in the above case. I know the facts and circumstances of the case. The factual submissions made here under paragraphs 1 to 5 of the reply are true and correct to the best of my knowledge, information and belief. The legal submissions made therein are made on advice received from Counsel. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying reply on file and it is so humbly prayed in the interests of justice in this case.



DINESH K.S., DEPONENT

DINESH. K. S.
Environmental Engineer
Kerala State Pollution Control Board
District Office, Palakkad



Solemnly affirmed and signed before me by the literate deponent personally known to me on this the 26th day of September 2023 at my office in Chennai

STANDING COUNSEL FOR THE 7th RESPONDENT

From

KALPAKA METAL CRUSHERS
Kayillyad (P.O) Shoranur (Via)
Palakkad (Dt) - Pin: 679 122
Tin: 32091096734

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Exhibit R7-(a)



To

The Environmental Engineer,
Kerala State Pollution Control Board,
District Office, Palakkad, Near District Panchayat Office,
Palakkad-678 001.

Sub: Submission of response in compliance of direction contained in
your letter dated 24/06/2023.
Ref: 1. Your Letter No. PCB/PLKD/TG-336/2020 dated 24/06/2023.

Dear Sir/Madam,

We have conducted mining and crushing operation in our unit in compliance of conditions stipulated in the Environmental Clearance No.DIA/KL/PL/38/2017 dated 05.03.2018 and the Consent to operate No. PCB/PLKD/ICO/R2/105/2018 dated 12/03.2018 issued from your office and as per the directions of District Geologist.

We have stopped the operation of quarrying unit by the end of November 2022 after the expiry of Mining Permit No. 18/2021-22/GBS/DOP/2361/2021/A1 dated 06/12/2021 having validity upto 05/12/2022.

There was no complaint against our quarry and crusher unit at any point of time during its operation regarding water or air pollution or any nuisance to the neighbouring public. The reply/ reports submitted by concerned local bodies/departments/agencies including your office before Honourable NGT vouchsafe it.

The allegation made by Mr. Sankaran in O.A. No.149/2022 before Honourable NGT, Chennai Bench against us that "our unit is operating the quarry without complying the conditions prescribed in EC causing siltation and deposit of overburden soil in the adjacent water stream and adjoining paddy fields including that of petitioner and that the quarry waste, overburden soil and metal crusher wash out from the unit flown through the water channel ultimately deposited in the applicant's paddy fields making the land unsuitable for cultivation, is absolutely false.

The drainage channel flows adjoining the agricultural property of Mr. Sankaran is not connected with the quarrying area of our unit. The site sketch produced by Sankaran, and the report of the District Collector dated 17.02.2023 proves that the allegation made by applicant in O.A 149/2023 is false. The relevant portion of the report of the District Collector is extracted hereunder for your ready reference:

"On physical verification done through village officers Chalavara & Vaniyakulam-1 reported that chances of draining quarry waste and metal crusher wash out from 8th respondents & 9th respondents quarry to petitioner's paddy land is very less. It is not predominantly seen that the field were covered or made unfit with deposits from quarry. During flood in 2018 and 2019 a little bit sledge had got deposited in small area through the nearby water channel. This channel is not connected with the quarrying area. On site verification it is evident that paddy was

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Sub
22/07/23

cultivated and harvested recently in Re Survey nos. 432/6, 424/6 of land belonging to applicant and family."

We have stacked the topsoil and overburden generated during the quarrying operations in our premises earmarked for the same in compliance of Clause No.43 of the General Conditions and Clause 14 of Specific Condition prescribed in the EC for using restoration of mining pits after completion of mining life permitted in EC and in compliance of the mining closure plan approved by the Geology Department on 18/12/2017.

The validity of our EC expired on 04.03.2023 and we kept the site idle and undisturbed without any activity including restoration of mining pit by using the stacked topsoil and overburden, since the matter was sub judice under the consideration of Honourable National Green Tribunal, Chennai.

According to the technical inputs from our Mining Consultant, it is not advisable to remove the stacked topsoil and overburden during the monsoon and heavy rain which may result in inundation in the area and spreading of overburden to adjacent land.

We assure you that we shall remove the stacked soil and quarry overburden from the site using it for phased restoration of mining pit as per the conceptual mine closure plan with proper terracing and stabilization with plantations in time bound after the recess of monsoon and heavy rain. We expect that the rainy season will be over by the starting of September 2023 and we can commence the removal of soil dump since then.

The stack of OB dumps is scientifically vegetated with suitable native species to prevent erosions and surface run off in compliance of EC conditions. Photographs of OB dumps covered with vegetation of trees and shrubs are produced for your ready reference. We are ready to provide any additional measure to prevent run off and erosion in any area with geo textiles or embankment walls as directed by the authorities.

The present mined area is adjoining the abandoned quarry existing southern part of the present quarry mined by us as per EC. The existing abandoned quarry was directed to be maintain for rainwater harvesting by Environment Impact Assessment Authority in Special condition No.5 of EC. The filling of stacked topsoil and overburden in the present quarry pit may lead to restoration of the abandoned quarry.

Considering drought proneness and water scarcity of Palakkad District and the area wherein the quarry situates, if the present quarry and the existing abandoned quarry is combinedly used a water storage source for our crusher unit and for irrigation in our premises and for the public of Chalavara Panchayat, it would be more desirable and beneficial to the public and all. Disturbing of already settled and stabilised soil dump with suitable vegetation would not meet the quantity required for restoration of the old and present quarry area and the huge quantity of ordinary earth required for reclamation of the total quarry area can create environmental damage elsewhere. Hence the possibility of retaining large amount of water with all protective measures in these pits for domestic/irrigation purposes of the local public in the Panchayat may be considered as a good alternative and environment friendly approach. Therefore, we humbly request you to consider the same in

consultation with the concerned departments such as irrigation and ground water department. We are ready to provide necessary infrastructural facilities for making use of the large quantity of water for the local public.

We are always committed to comply with further directions issued from your office with respect to the subject matter.

Thanking you,

Yours truly,

For KALPAKA METAL . 12

Benny P.C
Managing Partner

Benny P.C
2/10/23

