

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
(SZ) CHENNAI**

O.A.No. 155 OF 2020

Applicant : Vijeesh Kumar

And

Respondents : Union of India & others

I N D E X

Sl.No.	Particulars	Page No.
1.	Additional Objection of 3 rd Respondent to the Supplementary Report of the Joint Committee	1 - 18(a)
2.	Annex.1 :- True copy of the appellate authority dated 29-7-2021	19 - 28
3.	Annex.2 : Copy of Order passed by the Government in Appeal filed by Mr. Arun Varghese	29 - 32
4.	Annex.3 : Copy of Order passed by the Government in Appeals filed by M/s.Poabs Rock Products (P) Ltd.	33 & 34
5.	Annex.4 : Copy of Minutes of the meeting convened by the Principal Secretary Industries Department on 24-09-2008	35 - 39
6.	Annex.5 Copy of order issued by the Director, Mining & Geology Directorate, dated 20-5-2009	40 & 41
7.	Annex.6 : Copy of RMCU Certificates issued by the Mining & Geology Department to this respondent from 2013 onwards	42 - 68
8.	Petition to accept additional documents	69 -

Dated this the 15th day of FEBRUARY, 2021.


Counsel for the 3rd Respondent

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONAL BENCH, CHENNAI**

O.A.No. 155 OF 2020

Applicant : Vijeesh Kumar

Vs...

Respondents : Union of India & others

**ADDITIONAL OBJECTION FILED ON BEHALF OF THE 3RD RESPONDENT TO
THE SUPPLEMENTARY REPORT OF THE JOINT COMMITTEE**

1. This Hon'ble Tribunal, vide order dated 16-3-2021, directed the Joint Committee to assess Environmental Compensation for the violation of the conditions imposed and excess mining and loss caused to the environment, ecology and bio-diversity.
2. The Joint committee had filed a supplementary report, whereby, the Committee had recommended an amount of Rs.2,72,02,000/- Rupees Two Crores Seventy Two Lakhs and Two Thousand only) towards environmental compensation for violation of Environmental Clearance conditions and an amount of Rs.38,74,48,509/- (Rupees Thirty Eight Crores, Seventy Four Lakhs, Forty Eight Thousand, Five Hundred and Nine only) towards excess mining.
3. The committee had reckoned, non-compliance of general as well as specific conditions in the clearance, and the



For Covenant Stones Pvt. Ltd.

[Handwritten Signature]

Director

quantity which is alleged as excess quantity in the notice issued by the District Geologist, as **instances**, for computing the environmental compensation, under the respective Heads.

4. The Joint Committee has clearly reported that there are no methods available for calculating environmental compensation in the case of excess quarrying.
5. The Joint Committee has reported that, the committee, had followed the method adopted in O.A.No.508/2019, with report dated 9-9-2020, for the purpose of calculating the environmental compensation.
6. It is submitted that the very reckoning of **instances**, factors, computation, etc. for the purpose of fixing the environmental compensation are absolutely arbitrary, unreasonable, baseless and therefore the reports are liable to be discarded.
7. At the outset, it is pertinent to notice that, the Committee, failed to take note of the Standard Operating Procedure (hereinafter be referred to as SOP for brevity), issued by the Ministry of Environment, Forest and Climate Change (Impact Assessment Division) dated 7-3-2021. The SOP, defines violation and non-compliance. It also provides procedure for identifying the violations and non-compliance and dealing with such cases.



For Covenant Stones Pvt. Ltd.

Director

Going by the said SOP, only the competent authority is empowered to assess and impose the compensation etc.

8. It is submitted that, the Joint Committee had submitted its report, without considering the same. In that view of the matter, the report of the Joint Committee is not sustainable in law and liable to be discarded.
9. The Joint Committee committed great error in reckoning the **instances** for non-compliance for the purpose of environmental compensation. As already submitted, the Joint Committee had reckoned alleged non-compliance of general as well as specific conditions as **instances** for the purpose of arriving at the environmental compensation. It is submitted that this has done, by the Committee, without ascertaining whether those alleged infractions result in environmental pollution at all.
10. At this juncture, it is pertinent to notice that, the report states that, it had followed the CPCB guidelines (Polluter Pays) It is submitted that the CPCB, had developed a formula for imposing environmental compensation. The Committee had enlisted **instances** for taking cognizance of cases fit for violation and environmental compensation. The committee had enlisted the following cases as **instances** for taking



For Covenant Stones Pvt. Ltd.

Director

cognizance as cases fit for violation and levy of environmental compensation viz:

- A) Discharges in violation of the consent conditions, mainly prescribed standards/consent limits**
- B) Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non adherence of the action plan submitted, etc.**
- C) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission/Effluent Monitoring Systems**
- D) Accidental discharges lasting for short duration resulting into damage to the environment**
- E) Intentional discharges to the environment to the land, water, and air resulting to acute injury or damage to the environment**
- F) Injection of treated or partially treated, or untreated effluence to ground water**

11. It is submitted that, the Joint Committee, had submitted the report without following the CPCB Guidelines. It is pertinent to notice that, going by the CPCB guidelines, only the enlisted **instances**, therein, are capable of being taken cognizance as cases fit for violation and levy Environmental Compensation. In other words, only those enlisted **instances** alone can be reckoned for the purpose of Environmental Compensation. It is pertinent



For Covenant Stones Pvt. Ltd.

Director

to notice that, mere violations of Environmental Conditions, are not enlisted as **instances** for the purpose of levy of Environmental Compensation.

12. It is pertinent to notice that, the Joint Committee does not have any case in their reports that any of such enlisted **instances** are present in the case at hand. Instead the Joint Committee as already submitted, reckoned alleged infractions of conditions of Environmental Clearance and alleged excess mining as **instances** for computing Environmental compensation. The method followed by the committee is absolutely wrong illegal and ultravires.
13. The CPCB also laid down a formula for computing environmental Compensation which is as follows:

$$\mathbf{EC = PI \times N \times R \times S \times LF}$$

PI stands for Pollution Index, N stands for number of days of violation took place, R stands for a factor in Rupees, S stands for scale of operation and LF stands for Location Factor.

14. The CPCB Guidelines prescribes that the Pollution index that may be taken for Environmental Compensation for Red category of industries is 80. The guidelines defines N factor as follows



For Covenant Stones Pvt. Ltd.

 Director

“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 the CPCB/SPCB/PCC.”

The CPCB defines R factor as follows:-

“R is a factor in Rupees, which may be a minimum of 100 and a maximum of 500. It is suggested to consider R as 250, as the environmental Compensation in cases of violation.”

15. The Joint committee, calculated **N factor** and **R factor**, not in terms of the CPCB guidelines. In so far as the N factor is concerned, the joint committee has blindly reckoned the day of grant of Environmental Clearance to the respondent, that is 27-11-2014 as the beginning point and the day of stoppage of quarrying operations by the revenue authorities ie. 7-3-2020 as the ending point for the purpose of computing N factor. It is pertinent to notice that the Committee had deducted 297 days from the total days, by referring to Sundays, National Holidays, etc.

16. The above reckoning of N factor is not only in difference with the CPCB guidelines, but absolutely irrational and baseless as well. Going by the CPCB guidelines, what is



For Covenant Stones Pvt. Ltd.

[Handwritten Signature]

Director

to be reckoned is the date of violation observed/due date of directions compliance and the day of compliance verified by the CPCB/SPCB/PCC. In the present case, the Joint Committee had mechanically reckoned the period between the date of grant of Environmental Clearance and date of stoppage of quarrying operations, as if the violations started from the moment of grant of Environmental Clearance. The calculation made by the committee is without ascertaining the actual date of violation observed, and the date of issuance of direction and compliance of such direction etc., is incorrect, illegal and arbitrary. It is submitted that the Joint Committee had arrived at the **N factor**, mechanically and without application of mind.

17. Without prejudice to what is submitted above, the Joint Committee also failed to take notice that the quarry was kept closed not only for 297 days, but far more than that. The Committee failed to bring to the notice of this Tribunal, about the stoppage of quarrying works during the torrential rains and flood season, following common standing orders of the Government. Details of non-functioning of quarry, apart from the days reckoned by the Joint Committee is shown as below:

Stopping of quarrying operation
in view of complaints from Sabu Joseph

01-08-2017



For Covenant Stones Pvt. Ltd.

[Handwritten Signature]

Director

Restarting of quarrying operation	01-11-2017
Stopping of quarrying operation in view of non-renewal of RMCU registration due to objection on the part of Sabu Joseph	01-04-2018
Execution of Rectification of deed	06-02-2019
Resumption of quarrying operation after the execution of rectification deed	05-04-2019
Stopping of quarrying operation	07-03-2020

The above were not considered by the Joint Committee.

Reckoning of R Factor

18. The Joint Committee had reckoned R factor at 500, instead of 250 suggested by the CPCB. It is submitted that, the Joint Committee does not offer any special reason to adopt such a higher value than the one specified by the CPCB guidelines. It is submitted that the Joint Committee does not have any jurisdiction or authority to hike the R factor in such a fashion, and the procedure adopted for such hiking is absolutely arbitrary.
19. The Committee had reckoned the non-compliance of two specific conditions and 10 general conditions for the purpose of imposing and calculating the Environmental Compensation.
20. In so far as the allegations that the respondent had quarried beyond the lease area, the same is incorrect and without any basis. It is pertinent to notice that even



For Covenant Stones Pvt. Ltd.

 Director

going by the demand notice, issued by the Geologist and which is relied by the Joint Committee, the quarrying beyond the lease area is alleged only with respect to survey No.30/5 and the quantity of such extraction is also ascertained as 405.75 Metric Tons, for which, the penalty was also imposed and collected long back. Except this, there is no finding, that the undersigned had conducted quarrying beyond the lease area. At this juncture, it is also pertinent to notice that the Committee Report clearly mentioned that the area is subjected to quarrying from 2003 onwards i.e. much prior to this respondent came into possession of the land. It is submitted that, earlier excavations by the previous holders were also included as liability of the petitioner.

21. In so far as the allegation pertaining to breach of buffer zone, it is pertinent to notice that there was no such condition in the Environmental Clearance granted to this respondent. It is pertinent to notice that the Environmental Clearance was granted in the year 2014 and at that point of time, there was no condition of buffer zone within the lease boundary.

22. In so far as the allegation that boundary pillars were not maintained properly in so far as they are not concrete pillars etc. are also incorrect. There is no



For Covenant Stones Pvt. Ltd.

Director

condition in the Environmental Clearance that boundary pillars should be of concrete. In so far as other violations of general conditions are concerned, the same are curable and manageable and do not result in any polluting **instances** as enlisted by the CPCB.

23. It is pertinent to notice that, none of those **instances** are treated as instances of violation/non-compliance by the CPCB in its Methodology. In that view of the matter reckoning all those **instances** for the purpose of imposing and calculating environmental compensation is absolutely arbitrary, illegal and ultravires of methodology prepared by the CPCB. It is equally pertinent to notice that the CPCB Guidelines were claimed to be followed by the Committee.

24. In so far as the question whether environmental degradation was happened in the area due to quarrying, it is reported that going by the available analytical report of the land, air and water shows no much degradation. The finding that excess and unscientific quarrying resulted in land form loss of bio-diversity etc is incorrect. It is pertinent to see that excess mining if any, is conducted within the quarry and not beyond.

25. In so far as the allegation with respect to mine closure and mine rehabilitation etc. are concerned, it is pertinent to notice that the quarrying lease is valid till 22-5-2023.



For Covenant Stones Pvt. Ltd.

[Handwritten Signature]

Director

The quarrying lease is not yet expired. It is pertinent to notice that the mine closure plan is to be submitted before the proposed **closure of the quarry**. In the present case the respondent has not yet proposed to close the quarry nor its quarrying lease attained expiry. In that view of the matter, reckoning of non submission of closure plan as a failure of the condition is absolutely incorrect and arbitrary.

Excess Quarrying:-

26. The Joint Committee in its first report and supplementary report, treated the quantity, which is shown in the demand notice issued by the Mining & Geology Department as excess quarrying from the lease area and taken as the basis for computing environmental compensation. The District Geologist alleges excess quarrying against this respondent on a premise that the respondent excavated beyond the quantity mentioned in the order sanctioning the lease/lease deed. In pursuance of the said notice an order was passed by the District Geologist on 15-9-2020 by imposing an amount of Rs.6,71,08,430/- towards the said quantity.

27. Aggrieved by the said order, the respondent herein filed an Appeal before the competent authority and the appellate authority allowed the appeal and set aside the



For Covenant Stones Pvt. Ltd.

Director

proceedings of the District Geologist. The District Geologist went absolutely wrong in treating the quantity as excess quantity.

28. True copy of the order of the appellate authority dated 29-7-2021 is produced herewith and marked as **Annexure 1**. In view of Annex.1 order, the foundation of excess quarrying is lost.
29. Without prejudice to what is submitted above, it is submitted that excavation by a lease holder, which falls within the purview of Chapter VIIB and IX of the Rules, 1967 and 2015 respectively, cannot be proceeded for excess quarrying for the mere reason that, the lease holder go beyond the limit shown in the order sanctioning quarrying lease or in the quarrying lease.
30. It is submitted that, the quarrying leases of this respondent was being compounded with Crusher unit owned by this respondent from the year 2013 itself as mandated by Chapter VIIB and IX respectively. It is submitted that, going by the **Statutory Scheme** contemplated vide Chapter VIIB of KMMCR, 1967, it is **mandatory** for the quarrying lease/permit holder, who is in possession of a crusher unit, to compound its quarrying lease with such Crusher unit by registering the Crusher unit with the Department. It is reiterated that the said requirement is **mandatory** in terms of Rule



For Covenant Stones Pvt. Ltd.

Director

48P(1) of Rules, 1967. The same situation continues vide Rule 89 of the KMMCR, 2015. It is in view of such requirement, this respondent had to compound its quarrying lease by registering the crusher unit with the department.

31. It is submitted that, those who have to opt under Rule 48P(1), had to pay royalty, at a rate in terms of Schedule IV instead of Schedule I of the Rules, 1967. The basis of calculation of royalty under Schedule IV **is not the quantity of rock excavated**, but the size **of the machinery installed in the Crusher unit**. The same situation continues in respect of Rule 89 of Rules, 2015, where an optee is bound to pay royalty in terms of Schedule III instead of Schedule I.

32. It is reiterated that, from the year 2013 onwards, the quarrying lease, was being compounded with the registered Metal Crusher Unit of this respondent and had been remitting royalty in terms of Schedule IV/III respectively.

33. It is pertinent to notice that, quarrying lease is subject to the Rules, 1967/2015. The conditions of the sanctioning order granting quarrying leases or those of the lease deed, are subservient and to be read and understood and applied in the light of the Rules of KMMCR 1967/2015 as the case may be.



For Covenant Stones Pvt. Ltd.

[Handwritten Signature]

Director

34. It is submitted that, once a leaseholder, **changes over** to Schedule III/IV of Royalty payment system, by virtue of the order of Director, Mining and Geology, all the restrictions which are otherwise applicable with respect to the quantity of excavation etc. stand amended/replaced/suspended, and stand in conformity with the statutory scheme of Chapter VIIB/IX by operation of law.
35. In such circumstances the rock excavated by this respondent cannot be treated as excess excavation, even if the same goes beyond the sanctioned limit. It is submitted that such excavation cannot be treated as unauthorized or illicit or illegal excavation as well. It is submitted that such excavation is covered by royalty paid in advance, in terms of Schedule IV/III as the case may be.
36. The above view has been adopted by the Government of Kerala as early as in the year 2008, when it decided appeals challenging levy and demand of penalty alleging excess excavation by quarry lease holders, who were remitting royalty in terms of Schedule IV of 1967 Rules. True copy of the orders passed by the Government are produced herewith and marked as **Annexure 2** and **Annexure 3** respectively.



For Covenant Stones Pvt. Ltd.

Director

37. In pursuance of such orders, a meeting was convened at the instance of Principal Secretary, Department of Industries, on **24-9-2008**, wherein,

The Joint Secretary, Industries(A) Department,

Joint Secretary, Revenue Department,

Additional Director of Mining & Geology Department,

Director, Mining & Geology, Trivandrum

and representative of the lease holders were also participated.

38. In the meeting, it was suggested by the Principal Secretary that no proceedings may be initiated against those quarry holders who have opted to pay CRPS viz. Schedule IV by alleging excess quarrying. Followed by the said Minutes, the Director Mining & Geology had issued an order dated 20-5-2009, restraining all the District Geologists from initiating any legal proceedings as against quarry lease holders who have opted to pay royalty in terms of Schedule IV by alleging excess excavation.

39. In para 4 of the Minutes of the meeting, **dated 24-9-2008**, the opinion of Principal Secretary, is recorded, which is extracted as follows:-

“The Principal Secretary further suggested that, there is no need of demanding royalty for the excess quantity of granite building

For Covenant Stones Pvt. Ltd.



Director



stone produced after subtracting the consolidated royalty paid by the crusher owners in advance for a year and the department should strictly adhere to the stipulation in Rule 48(P) of the KMMC Rules in this case.”

It is further stated in Para 5, which is extracted as follows:-

“In the case of RMCU, the demand after measurement and assessment of quarried area is not applicable”.

40. From the above, it is crystal clear that the Government and the Department have been taking a consistent view that those quarry lease/permit holders who have opted to remit royalty in terms of Schedule IV by compounding their quarry lease with registered metal crusher unit need not be proceeded against by alleging their excess excavation. In other words, the excavation done by such quarry lease holders/permit holders in excess of the sanctioned limit cannot be treated as unauthorized illegal excavation. True copy of the Minutes of Meeting dated 24-9-2008 convened at the instance of Principal Secretary, Industries Department is produced herewith and marked as **Annexure 4**. Followed by Annex.4, the Director, Mining & Geology Directorate, issued the order



For Covenant Stones P. Ltd.

 Director

directing the District Geologist not to initiate any action against such lease holders who opted to RMCU CRPS system. True copy of the Order issued by the Director Mining & Geology Director is produced herewith and marked as **Annexure 5**.

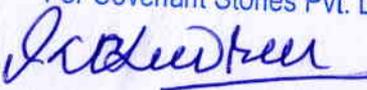
41. It is submitted that, the Hon'ble High Court of Kerala in its judgment in George Antony vs. Geologist, dated 20-3-2017 (2017(2) KLT 1093) had affirmed this proposition by holding as follows:-

"I make it clear that since Ext.P10 confirms the regime post 2002 to be one where the petitioner could have extracted unlimited minor mineral by paying a CRPS, the Director of Mining & Geology cannot enter into any investigation post 2002 provided that the petitioner had obtained proper permits under the consolidated royalty for that period"

42. In view of the above, the excavation if at all it breached the sanctioned limit, the same cannot be termed as excess quarrying or unauthorized quarrying and thereby made liable to be proceeded under Rule 58/108 of the Rules, 1967 and 2015 respectively. The Department and Government is estopped from treating such excavation as illegal. The excavation so done was under the colour of authority and valid.

43. Even going by the TPH capacity of crushing machines, installed in the unit, it can be seen that the quantity of



For Covenant Stones Pvt. Ltd.

 Director

rock, which is alleged to be in excess is incorrect. It is submitted that, even going by the TPH capacity of the crushing machines installed in the crusher unit of the respondent, the respondent herein has not indulged in any quarrying operations.

44. As already submitted, the respondent herein had been remitting royalty at CRPS by registering its Metal Crusher Unit with the Department and compounding its quarrying lease with the registered metal crusher unit. It is submitted that, at no point of time, the competent authority, which sanctions the changeover of the undersigned from the regime of Schedule I to Regime of Schedule IV/III as the case may be.
45. True copy of the RMCU Registration certificates issued by the competent authority with respect to the quarry of this respondent are produced herewith and marked as

Annexure 6.

In view of the above and other contentions to be raised, it is submitted that the report submitted by the Joint Committee may be rejected.

Dated this the 15th day of February, 2022.



[Handwritten signature]
Advocate

For Covenant Stones Pvt. Ltd.
[Handwritten signature]
Director

3RD RESPONDENT

18(a)

VERIFICATION

I, K.C.Ramachandran (Kattil Chittezhath Ramachandran), Aged 76 years, S/o.Krishnan Kartha, residing at 'Ramya', Welcome Road, Ayyappankavu - 682 018, do affirm that I am the Director of M/s.Covenant Stones Pvt. Ltd; the 3rd respondent and hereby verify that the contents of this additional objection are true and correct ,and that I have not suppressed any material facts.

Dated this the 15th day of February 2022.



For Covenant Stones Pvt. Ltd.

Jacky George

Director

3rd Respondent

Philip J. Vethickattu
Advocate



GOVERNMENT OF KERALA

Abstract

Industries Department - Mining & Geology - Appeal petition filed by M/s.Covenant Stones Pvt.Ltd., Katta, Cheeranikkara.P.O, Vembayam under KMMCR, 2015 - disposed of - orders issued

INDUSTRIES (A) DEPARTMENT

G.O.(Rt)No.788/2021/ID Dated,Thiruvananthapuram,
29/07/2021

- Read: - 1 Proceedings No.98/2011-2012/3499/M3/2011 dated 20.05.2011 of the Director,Mining & Geology Dept., Thiruvananthapuram
2. Proceedings No.508/2020-21/DOT/ML/3455/2020 dated 08.02.2021 of the Geologist, Thiruvananthapuram.
3. Appeal petition dated 12.02.2021 filed by M/s.Covenant Stones Pvt.Ltd., Katta, Cheeranikkara.P.O,Vembayam, Thiruvananthapuram.
4. Judgment dated 17.02.2021 of the Hon'ble HC in WP(C) No.4138/2021.
5. Letter No.839/DOT/EM/2021 dated 09.03.2021 of Geologist, Thiruvananthapuram.

ORDER

Vide order read as Ist paper above, the Director,Mining & Geology Department, Thiruvananthapuram has issued a quarrying lease to M/s.Covenant Stones Pvt.Ltd, Katta, Cheeranikkara.P.O, Vembayam for an extent of 5.7782 Ha of land comprised in Sy Nos.29/2, 29/3, 30/4 at Thekkada village and Sy.No.470, 472/5, 472/6, 474/1, 471/1-2, 472/4-1,

[Handwritten signature]

20

474/1-1 at Manikkal village in Nedumangadu Taluk in Thiruvananthapuram district. On a site inspection in the leased area, the Geologist found illegal extraction of 931714 MT of Granite Building stone and hence issued a demand notice dated 15.09.2020 demanding Rs.6,71,08,430/- towards royalty, price and fine for the illegal extraction. The appellant company filed WP(C)No.28482/2020 against this demand notice and on the basis of the judgment dated 07.01.2021 of the Hon'ble High Court in this Writ Petition, the District Geologist, Thiruvananthapuram heard the appellant and vide proceeding read as 2nd paper above, the appellant company was directed to remit the amount as per the demand notice dated 15.09.2020. Against this proceedings M/s.Covenant Stones Pvt.Ltd., Katta, Cheeranikkara.P.O, Vembayam filed an appeal petition read as 3rd paper above before Government.

2) Appeal has been filed on the following grounds:-

i) The order dated 8/2/2021 is passed without considering any relevant facts and none of the grounds / objections raised by the appellant were considered by the respondent. The respondent, by stating that, the previous officer had already referred the matter to revenue recovery proceeding had disposed of the matter.

ii) The allegation leveled against the appellant is that the appellant had quarried in excess of the permitted quantity from the lease area but there is no allegation to the effect that the appellant had excavated from beyond the lease area or beyond the expiry of the mineral concession. Being a holder of a Registered Metal Crusher Unit having a quarrying lease, was bound to pay royalty at CRPS, at the rate specified in schedule IV instead of Schedule I of Rule 1967. Accordingly, the appellant had been paying royalty at CRPS since 2013 onwards. The distinguishing feature of CRPS is that the said system it is not on the basis of actual

21

quantity of excavation but on the basis of the size of the Jaw of the crusher unit that the royalty is fixed. The idea of computation of royalty on the basis of actual quantity is totally alien to the scheme of CRPS as provided under Rule 48 P r/w Schedule IV of the Rule, 2015. When there is no question of reckoning of excavation on the basis of actual production under CRPS the allegation of excess quarrying or quarrying beyond permitted quantity is baseless and unsustainable. The statutory scheme pertaining to CRPS does not reckon quantity restriction at all. There is no provision of law, which enables the authority to proceed against a quarry operator who opted for CRPS, on the allegation of excess quarrying. This proposition of law was reiterated by the Director of Mining & Geology through a circular clarifying that if the holder of a Registered Metal Crusher Unit produces excess quantity of granite building stone than the quantity stipulated in the lease agreement, there is no need to initiate legal steps for realising royalty for excess quantity of granite stone excavated by them. Even Rules 2015, does not bring any change to the pre 2015 scenario with respect to CRPS. Thus, the CRPS in terms of Rule 89 r/w Schedule III of Rules 2015, is also not quantity specific. The Hon'ble High Court vide its Judgment in George Antony Vs Geologist, dated 20/3/2017 had affirmed this proposition as follows:-

since EXT P10 confirms the regime post 2002 to be one where the petitioner could have extracted unlimited minor mineral by paying a CRPS, the Director of Mining & Geology cannot enter into any investigation post 2002 provided that the petitioner had obtained proper permit under the consolidated royalty for that period.

iii) The demand for payment of royalty, Price and fine vide the impugned notice is without jurisdiction and not sustainable in law. The penal provisions, in so far as Rule, 1967 in concerned, are comprised, in so far as Rule 1958 and in so as Rules 2015 is concerned, are comprised



22

under Rule 108. Both these provisions, provides for special provisions for persons who opted for CRPS. In other words, the penal provision will attract with respect to CRPS holders only if the events contemplated under the respective provisions have taken place.

iv) while renewing the RMCU registration, the competent authority has never restricted the quantity of extraction till 2017. Only thereafter that, the authority used to stipulate that the excavation may not go beyond the approved mining plan quantity. The appellant had never violated the said mandate as well. It is submitted that, the rock so excavated and removed by the appellant is covered by royalty, paid under the CRPS system.

v) The respondent has no case that the appellant had excavated beyond/outside the leased area or after the expiry of mineral concession. In the absence of any such finding, the very initiation of proceedings against the appellant, who is an optee of CRPS is absolutely without jurisdiction and authority .

vi) The rate at which the Royalty and Price are computed, for the alleged excess quantity, is absolutely wrong, erroneous, baseless and without jurisdiction. It is submitted that the respondent had reckoned Rs.24/- per M.T. as rate of royalty for the purpose of calculating the various components of the impugned order viz. Royalty and Price. The rate of royalty @Rs.24/- per M.T was introduced vide G.O.(P) No.1/15/ID, dated 5-1-2015. There is absolutely no finding in the impugned proceeding or in the show cause notice that the excess quarrying was conducted only after this order. In such circumstances, the computation of royalty at the rate of Rs.24/- for the alleged excess excavation is without any basis and illegal.

vii)The element of Price was omitted from the penal provision viz.Rule 58(2) of the erstwhile 1967 Rules, vide GO(P)No.2/2008/ID,



23

dated 2-1-2008. The same was never restored into the Rules, 1967 till its super session by the present Rules i.e. Rules, 2015. In view of the above, no amount can be imposed or enforceable as price for the period during which 1967 Rules were in force.

viii)The quarrying operations were disrupted from the year 2015 onwards several times.The petitioner could not conduct quarrying operations since the year 2016 onward on a regular fashion due to non-issuance of Movement Permit, stop memos etc.

3) After filing the appeal before the First Appellate Authority in Govt., the appellant had filed a W.P(c)No. 4138/21 before the Hon:High Court aggrieved on the revenue recovery action initiated against the appellant, while the appeal is pending in Govt.The Hon'High Court In its judgement dt.17.2.2021 dispose of the writ petition directing the First respondent to hear and dispose of the appeal within a period of three weeks from the date of receipt of the Order.Since 3 weeks time was not sufficient to examine the appeal and dispose it in a just and fair manner some more time was required .Therefore the First respondent had moved for an extension of 4 months time before the Hon:High Court.

4) The Appellate Authority heard the appellant and concerned officers of Mining and Geology dept on 20.3.2021. The appellant has informed the following matters :-

The appellant had been granted with quarrying lease in the year 2011 and commenced production.The area was subjected to quarrying earlier. The quarrying lease dated 23/5/2011 executed with respect to the above referred lease area is valid upto 22/5/2023. Since the appellant is a holder of a Registered Metal crusher Unit and in view of the mandatory provision under Rule 48 P of Chapter VII B of Rules 1967, the appellant had to opt Consolidated Royalty Payment system for paying royalty at the rate specified in Schedule IV, as early as from the

24

year 2013 onwards. The registration was being renewed from time to time till 2020. The appellant had been issued with a show cause notice dated 30/6/2020, wherein, it is alleged that a quantity of 19,27,653 Metric Tons of granite was quarried and removed from the lease area. It was alleged that the quantity so removed was in excess of the permitted quantity. Still later, the appellant was issued with a demand notice, dated 5/8/2020 and the appellant was directed to remit an amount of Rs.6,86,39,420/- towards Royalty, Price and Fine for a quantity of 952978 MT of rock which is alleged to be removed in excess from the lease area. Still later, a revised demand notice dated 15/9/2020 was served on the appellant on 18/6/2020. Vide the revised demand notice an amount of Rs.6,71,08,430/- was levied towards Royalty, Price and Fine for a quantity of 9,31,714MT of rock, which is alleged to have been removed in excess from the leased areas. Since the revised demand notice was absolutely illegal, arbitrary and was issued in violation of the principles of natural justice and against the principles of settled law, the same was challenged before the Hon'ble High Court vide WP(C) No.28482/2020. The Hon'ble High Court had found that the Order dated 15/9/2020 was prima facie illegal and therefore directed to treat it as a provisional notice and to hear the appellant and dispose of the matter in accordance with law. The respondent, had disposed of the matter by passing the impugned order dated 8/2/2021.

5) The main argument of the Geologist is that the adoption of the RMCU system does not mean that the quantity of mining is unlimited. Only the quantity defined in the Mining Lease Deed before the Mining Plan comes into force and the quantity specified in the respective years after the Mining Plan comes into force should be mined. Therefore they have taken steps in tune with this criteria.

6) Appellate Authority examined the matter depending on the



25

details presented by the appellant, documents produced and the matters informed while hearing and also on the reports furnished by the officers.

7) As regards granite stones are concerned, until the year 2002, permits were granted under royalty to be calculated on the actual amount of extraction done. However, post February, 2002, when the Kerala Minor Mineral Concession (Amendment) Rule 2001 came into force, a consolidated royalty regime is introduced. The difference in regimes was that by paying a fixed royalty under schedule - IV, the obligation to pay the royalty at the rates specified in Schedule - I was exempted. It appears that the petitioner was, until the year 2013, paying royalty at the rates specified in Schedule - I of the Rules, that is to say, for the exact quantity of granite that was extracted. In 2013 the appellant opted for consolidated royalty by paying a fixed amount under Schedule - IV instead of the rates shown at Schedule - I.

8) Introduction of the CRPS by Govt seems not based on quantity specific. As per para 208 of the Budget speech 2000-2001 Govt have proposed to introduce a new compounding system for realisation of royalty from the granite metal quarries based on the number and size of the metal crushing machines in order to make collection simple and easy. Govt had implemented the proposal by amending the KMMC Rules 1967 by the insertion of (ix a) in rule 3 after clause (ix) and Chapter VIIB, vide G.O.(P) no.19/2002/Ind dt. 28.02.2002. As per this amendment, a registered metal crusher unit means a unit engaged in the business of crushing granite stones into aggregates by means of mechanical devices that conform to specific jaw sizes and dimensions, which has been duly registered with the Mining and Geology and possessing valid quarrying lease or permit, as the case may be, on payment of consolidated Royalty at the rates specified in **schedule IV** and the system of consolidated royalty payment means a holder of registered metal crusher unit for

26

production of metals of various size from granite building stones, who is in possession of quarrying lease or permit, as the case may be, shall opt to consolidated royalty at the rates specified in **Schedule IV** instead of paying royalty at the rates specified in **Schedule I**.

9) From the above it is clear that the annual consolidated royalty is based on the size of the jaw of the metal crusher units and not on the mineral removed by him from the land at the rates specified in schedule I in terms of tonnes. Later Govt have decided to amend the KMMC Rules 1967 by revising the royalty based on the number and size of the metal crushing machines considering the disproportionate production and quantities fixed in the lease grant, vide G.O.(P) no.1/2008/Ind dt. 01.01.2008. The rates were further revised vide G.O. (P) no.1/2015/Ind dt. 05.01.2015.

10) In nowhere in the Govt Orders there is specification of the quantity to be mined when lessee adopts for CRPS. If, according to the Geologists, the adoption of the RMCU system does not mean that the quantity of mining is unlimited and only the quantity defined in the Mining Lease Deed before the Mining Plan comes into force and the quantity specified in the respective years after the Mining Plan comes into force should be mined, then they should have stipulated the same while issuing the registration certificate (Form-L) and other directions connected therewith. In this particular case the lessee has opted for the CRPS w.e.f.27.3.2013 and it is only from the Fy 2017-18 onwards that the quantity stipulation is seen imposed by the DMG.

11) Since the appellant is a holder of a Registered Metal crusher Unit and in view of the provision under Rule 48 P of Chapter VII B of Rules, 1967, the appellant had opted for Consolidated Royalty Payment system for paying royalty at the rates specified in Schedule IV, as early as from the year 2013 onwards. The registration was being renewed

27

from time to time till 2020. The metal crusher unit is having a Cone Crusher and VSI machine for production of aggregates with capacity of 2015 and 268 HP respectively in addition to a Primary Crusher.

12) The complaint, that was raised against him was that under the consolidated royalty payment scheme, the petitioner has extracted large quantity without reference to the actual royalty paid by him. It is seen that the DMG has not issued any modified circular subsequent to the circular issued vide 8925/M3/2000 dated 20/5/2009. This means that the status remained the same

13) It is seen that while renewing the Registration for the metal crusher units, the appellant was directed to maintain certain registers as per rules and he should submit these registers before the Geologist as and when Movement Permits were issued and to submit monthly return in form-F and annual statement in Form-G of the KMMC Rules. It is further instructed to maintain a register showing the daily production and sales. It is also seen instructed that if he deviates from the above instructions, the DMG will be forced to cancel the registration granted to the Metal Crusher unit. The RMCU has been renewing by the competent authority from time to time till 31.3.2018. In any such proceedings the competent authority had not placed any restriction on excavation either area wise or quantity wise. Since the appellant is maintaining all the registers as directed by the competent authority, it was up to the competent authority to take action against the appellant, as and when he made the inspections of register as part of the procedure for issuing movement permits or granting renewal. When there was sufficient chances and time for taking penal action against the appellant, if any, it is unjust to take the same after a long time, thereby depriving the appellant of the benefits he would have get from the laws prevalent at that point of time.

14) On the above grounds, it seems that the contentions put

28

forth by the appellant demands review of the decision taken by the Geologist. In such circumstances, the proceedings read as 2nd paper above by the District Geologist is set aside. The appeal is disposed of directing the District Geologist, Thiruvananthapuram to issue proceedings afresh to the appellant, after verifying whether there is any case to be pursued against the petitioner, taking into account the contentions put forth by the appellant with respect to the rules, the sanctions issued for extraction of minerals and the quantity of minor mineral extracted as per the records, but only after issuing a proper notice to him. If there is any clarification needed on the amendments made by Govt. in the KMMC Rules 1967, the Geologist is free to seek the same from Government, through the Director, Mining and Geology.

Shaher Banu
Joint Secretary

To:

The Advocate General, Ernakulam (with covering letter)
M/s.Covenant Stones Pvt.Ltd., Katta, Cheeranikkara.P.O,
Vembayam, Thiruvananthapuram.

The Principal Accountant General (Audit),
Thiruvananthapuram.

The Accountant General (Audit), Thiruvananthapuram.

The Director, Mining & Geology Department,
Thiruvananthapuram.

The District Geologist, Thiruvananthapuram.

Stock File/ Office Copy

Forwarded /By order

Section Officer

This is the true copy of document
marked as EXHIBIT referred
ANNEXURE A1
in the above case.

ADVOCATE



29

Annexure #2

GOVERNMENT OF KERALA

Abstract

Industries Department - Second appeal filed by Sri. Arun Varghese, Managing Director, K.K. Rocks and Granites India Pvt Ltd under Rule 49 KMMCR 1967 - disposed of -Orders issued.

INDUSTRIES (A) DEPARTMENT

G.O (Rt) No.996/2011/ID

Dated, Thiruvananthapuram, 11/08/2011.

- Read: 1. G.O(Rt) No.399/11/ID dated 15/3/2011.
2. Second appeal dated 28/4/11 filed by Sri. Arun Varghese, M.D, K.K.Rocks and Granites India Pvt. Ltd.
2. Letter No.8053/M2/2009 dated 28/07/2011 from Director, Mining and Geology, Thiruvananthapuram.

ORDER

The District Geologist, Thiruvananthapuram issued a demand notice directing to remit an amount of Rs.29,71,888/- towards arrear royalty and Rs.1,00,000/- as consolidated royalty. Against this Mr. Arun Varghese filed appeal before Government have disposed of the appeal filed by Shri.Arun Varghese vide G.O read as 1st paper above with a direction to the Director, Mining and Geology for reassessment of the case, based on the above findings and to issue fresh notice to the appellant, if any arrear royalty is due from him. For doing this fresh measurement of the quantity of granite extracted by the appellant can be made by deputing a Senior officer from his office if found necessary and fresh measurements made should be in the presence of the appellant. The appellant in turn shall remit the amount as per the revised notice thus issued within the time frame stipulated therein.

Aggrieved by the above order, Sri.Arun Varghese filed the second appeal read as second paper above before Government. In the second appeal, the petitioner has submitted the following.

The Vigilance and Anti Corruption Bureau have conducted a surprise check and erroneously concluded existence of certain losses to Government without properly assessing the technical and legal parameters involved. Thereafter the Geologist has issued

notice to remit arrear royalty of Rs.29,71,888/- as observed in the Vigilance and Anti Corruption Bureau check and consolidated royalty of Rupees One lakh. Since the claim of Rupees One lakh towards consolidated royalty was under the mandate of Rule 48 P of KMMC Rules 1967, the same was promptly remitted and accepted by the Geologist.

But the claim for arrear royalty of Rs.29,71,888/- was not founded on the statute. Therefore the first appeal under Rule 49 of KMMC Rules 1967 was filed before the Government. The said appeal was disposed with a direction to re-assess and re-fix the mined quantity and send a notice of revised claims. Aggrieved by the said order appeal was filed as the state are regulated by the KMMC Rules 1967. In the said Rules the miner has to pay royalty to Government for the mineral extracted. The said Rules provides two options to pay the royalty. The first option is the payment of royalty on tonnage basis laid down under Rule 48 P at the rates specified in schedule 11 of KMMC Rules 1967. The second option is the consolidated royalty under Rule 48 P paid annually depending on jaw size of the crusher at the rates specified in schedule IV of KMMC Rules 1967. The Rule 48 P of the said Rules expressly prohibit realization of royalty under Schedule II and IV concurrently.

The company had been operating the above said crusher and quarries under the consolidated royalty regime since the financial year 2002. The Government order has ignored this position causing injury to the company. In fact it becomes a double impos and an illegality as royalty has been already remitted under schedule IV and the purported notice under the above Government order is a further claim under Schedule 1 which is expressly prohibited under Rule 48 P of KMMC Rules 1967. In the AIR 1990 Bom 239 (FB) it has been laid down that such illegal levies must be refunded. The doctrine of "unjust enrichment" is apparent in this case since the Government order is a direction of assessment of royalty under schedule 1 when royalty under Schedule IV has been already remitted.

It is further submitted that in a similar case the first appellate authority in the Poabs Granites Products Pvt. Ltd. Vs the Government of Kerala has disposed four appeals against similar claims with explicit direction that once royalty under Schedule IV is realized, royalty under Schedule 1 is not due. When there is such clear cut policy decision of the appellate authority the Government order is ultravires to the said order and proviso of the statute. Therefore The Constitutional Provision of Equality before law is vitiated.

The Director, Mining and Geology in his letter read as third paper above has reported that the District Geologist has inspected the quarrying lease area of M/s K.K. Rocks and Granite India (P) Ltd, Malayam.P.O, Thiruvananthapuram and it is revealed that on inspection of the quarries and related documents, the Geologist could understand that the above firm possesses two quarrying leases, one in Sy.No.49/3-1,49/3-2,49/3-3 and 54/1 of Pallichal Village, Neyyattinkara taluk over an area of 1.550 hectares which was granted for 12 years by the Director of Mining and Geology as per proceedings order No.253/2001-2002/5443/M3/2001 dated 2/8/2001 and the other over an area of 2.4850 hectares in Sy.Nos. 52/3,52/3-1, 52/3-2, 53/3, 53/3-1, 53/3-2 and 53/4 of Pallichal village, Neyyattinkara taluk which was granted for ten years by the Director of Mining and Geology as per proceedings order No.174/2004-05/4143/M3/04 dated 21.06.2004. These two quarries are contiguous. The appellant company had opted for consolidated Royalty Payment System as per Rule 48 P of the Kerala Minor Mineral Concession Rules with effect from 28/8/2002. The Vigilance and Anti-Corruption Bureau, Thiruvananthapuram conducted surprise check in the quarries on 08/12/2005. That is, at the time of inspection the quarries and crusher unit were functioning as per the provisions contained in chapter VII B of the Kerala Minor Mineral Concession Rules. Since the company had opted for Consolidated Royalty Payment System from 28/8/2002, the royalty of excess quantity of granite stones removed from 28/8/2002 to 08/12/2005 cannot be demanded as per Rule 17 (1) and at the rates specified in Schedule I of the Kerala Minor Mineral Concession Rules in addition to the receipt of advance consolidated royalty specified in Schedule I of the Kerala Minor Mineral Concession Rules. The actual demand had to be made for the quantity of stones removed upto 28/8/2002. On inspection, the Geologist could not compute the quantity of stones removed only upto 28/8/2002 since the quarrying operation has been continuing from August 2001 onwards. It is also learnt that there had been quarrying operation in the same quarries prior to the grant of quarrying lease on 2/8/2001. Also, there is no method to quantify the stones removed prior to 2/8/2001. Since there is no evidence to prove the quantity of stones removed prior to 28/8/2002 (the date of option to Consolidated Royalty Payment System), it is unjust and illegal to demand royalty of the whole quantify of stone removed upto 08/12/2005 (the date of surprise check by the Vigilance and Anti Corruption Bureau).

112/p

32

Annexure A2
4

Again on 28/04/2011, the appellant, Sri. Arun Varghese has filed a second appeal before the Government challenging the G.O (Rt) No. 399/2011/ID dated 15/03/2011. In this appeal, the appellant has requested to review the order in the light of the Rule 48 P of the Kerala Mineral Concession Rules and G.O (Rt) No. 1087/2008/ID dated 2/9/2008. It is true that in similar cases the Government have set aside the demand notices of the Director of Mining and Geology for realizing royalty of the excess quantity of stones removed upholding the Rule 48 P of the Kerala Minor Mineral Concession Rules 1967.

Government have examined the case in detail with the report of Director, Mining and Geology read as 3rd paper above and the petitioner was heard in person on 3/8/2011. In the hearing Shri. Arun Varghese appeared. Presented documents in support of his contention. As the appellant has opted for consolidated royalty from 2002, the quantity became immaterial as per Rule 48 P. Similarly, it is also found that there was unauthorised quarrying in the land even before the present lessee has acquired quarrying permission. The lessee has also paid penalty of Rs. 1,00,000/- as suggested by the Vigilance and Anti Corruption Bureau. In view of all the above the appeal is allowed.

(BY ORDER OF THE GOVERNOR)
ALKESH KUMAR SHARMA,
Secretary Industries (IP) Dept.

To

- ✓ The Director of Mining and Geology, Thiruvananthapuram
- ✓ Sri. Arun Varghese, Managing Director, K.K. Rocks and Granites India Pvt Ltd, Kottakkal, T.C.2/3497, Pattom, Trivandrum.4
- The Geologist, Thiruvananthapuram.
- The Principal Accountant General (Audit), Kerala, Tvpm
- The Accountant General (A&E), Tvpm
- Stock file/Office copy.

Forwarded/By order


Section Officer

This is the true copy of document
marked as EXHIBIT referred
ANNEXURE A2
in the above case.


ADVOCATE

GOVERNMENT OF KERALA

Abstract

Industries Department - Mining and Geology - Appeal Petition filed under Rule 49 of Kerala Minor Mineral Concession Rules, 1967 by M/s. Poabs Rocks Products Private Limited - Disposed of orders issued.

INDUSTRIES (A) DEPARTMENT

G.O.(Rt):No.1087/2008/ID

Dated, Thiruvananthapuram, 22.09.2008.

- Read:-
- 1) Demand Notice No.4836/M3/05 dt. 22.02.06 of the Director of Mining and Geology, Thiruvananthapuram.
 - 2) Appeal petition dt.20.03.06 filed by Sri.Binu K.Mathew, Managing Director M/s.Poabs Rocks Products (P) Ltd., Kozhikode.
 - 3) Appeal petition dt.20.03.06 filed by Sri.P.A.Jacob, Managing Partner, M/s.Panachayil Industries, West Othara (P.O.), Thiruvalla, Pathanamthitta.
 - 4) Appeal petition dt.20.03.06 filed by Sri.K.A.Abraham, Director, M/s.Poabs Granite Products (P) Ltd., Kuthirakulam, Vellanad (P.O.), Thiruvananthapuram.
 - 5) Appeal petition dt. 20.03.06 filed by Sri.K.A. Abraham, Managing Director, M/s.Poabs Granite Products (P) Ltd., Thelakkadu (P.O.), Perinthalmanna, Malappuram.
 - 6) Appeal petition dt.20.03.06 filed by Sri Joseph Jacob, Managing Director, M/s. Poabs Granite Products (P) Ltd, Chully (P.O.), Angamaly.

ORDER

The Director of mining and Geology Department as per the demand notice read as 1st paper above has directed the appellants to remit an amount of ₹7,02,088/- as royalty in having extracted excess quantity of 43.880.50 MT of Granite Building Stone during 2004-05. Initially the appellant was granted quarrying Lease for 12 years for extracting 10,000MT of Granite Building Stone. Subsequently with the introduction of Chapter VII B of Kerala Minor Mineral Concession Rules, 1967, the system of Consolidated royalty was opted by the appellant by registering the crusher unit. Since the Granite Building Stone extracted during the financial year 2004-05 is very much in excess of the permitted quantity in the grant order, the impugned order was issued by the Director of Mining and Geology Department.

2. Aggrieved by the above order the appellants filed the appeal petitions read as 2nd, 3rd, 4th, 5th & 6th papers above under Rule 49 of Kerala Minor Mineral Concession Rules, 1967 before Appellate Authority.

3. A hearing was conducted by the appellate authority in Government on 16.04.08. During the hearing the appellants contented as follows:

By G.O.(Ms) No.19/2002/ID dt. 28.02.02 Government have introduced the payment of consolidated royalty system by amending Kerala Minor Mineral Concession Rules, 1967 as follows:

[Handwritten signature]

34

Annexure A3
2

NOTIFICATIONS

541

Chapter VIIB, Section 481 : "Notwithstanding anything contrary contained in any other provisions of these rules a holder of registered metal crusher unit for production of metals of various size from Granite Building Stones, who is in possession of quarrying lease or permit as the case may be, shall opt to pay consolidated royalty at the rate specified in Schedule IV instead of paying royalty at the rate specified in schedule I."

4. By virtue of the above amendment to the Rule, the appellants permitted to opt for payment of royalty @ specified in schedule IV instead of paying royalty @ specified in schedule I. Since the appellants paid consolidated royalty for the years 2002-03 to 2005-06 and the same was accepted by the respondent, it is unjust and illegal to demand royalty from the appellants as specified in schedule I in addition to the receipt of consolidated royalty specified in schedule IV.

5. Nowhere in the Kerala Minor Mineral Concession Rules, Government is authorized to specify the quantity of minor mineral to be removed from the leased area in the year. There is no provision either in the agreement executed between the State Government and the appellants to prevent or curtail the right of the appellants to remove Granite Building Stone as per his requirement.

6. Govt. have examined the whole issue in detail and are pleased to allow the appeal petitions read as 2nd, 3rd, 4th, 5th & 6th papers above and the demand notice read as 1st paper above is also set aside.

7. The appeal petitions read as 2nd, 3rd, 4th, 5th & 6th paper above is disposed off as above.

By Order of the Governor

N.MAYADEVI

Joint Secretary to Government

To

Sri. Binu.K. Mathew, Managing Director, M/s. Poabs Rocks Products (P.) Ltd., Kozhikode.

Sri. P.A. Jacob, Managing Partner, M/s. Panachayil Industries, West Othara (P.O.), Thiruvalla, Pathanamthitta.

Sri. K.A. Abraham, Director, M/s. Poabs Granite Products (P) Ltd., Kuthirakulam, Vellanad (P.O.), Thiruvananthapuram.

Sri. K.A. Abraham, Managing Director, M/s. Poabson Granite Products (P) Ltd., Thelakkad (P.O.), Perinthalmanna, Malappuram.

Sri. Joseph Jacob, Managing Director, M/s. Poabs Granite Products (P) Ltd., Chuly (P.O.), Angamaly.

The Director of Mining and Geology, Thiruvananthapuram.

Stock file/Office Copy

Forwarded/By Order

Section Officer

This is the true and correct copy
of the original document
Annexure A3
[Signature]



GOVERNMENT OF KERALA
INDUSTRIES (A) DEPARTMENT

No.25748/A.3/2008/10

Thiruvananthapuram,
Dated : 25.10.2008.

From
The Principal Secretary to Govt.

To
The Principal Secretary, Revenue Department
The Director of Mining and Geology, Thiruvananthapuram
The Chairman, Registered Metal Crusher Unit Owners Association, State
Committee, TC 11/3497, Kottackal, Pattom (P.O), Thiruvananthapuram.

Sir,
Sub:- Industries Department -- Meeting of the Principal Secretary to discuss on
the issues in the representation of Registered Metal Crusher Unit Owners
Association - reg.

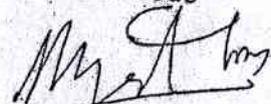
Ref:- Govt. Letter of even No dtd. 5.09.08

I am to invite your attention to the reference cited and to forward herewith a
copy of the minutes of the meeting held on 24.9.2008 at 11.00 am in the chamber of
the Principal Secretary (Industries) for information and necessary action.

Yours faithfully,

N.MAYADEVI
Joint Secretary
for Principal Secretary to Govt.

Approved for issue


Section Officer



36

Annexure A4
2

MINUTES OF THE MEETING CONVENED BY THE PRINCIPAL SECRETARY,
INDUSTRIES DEPARTMENT ON 24-09-2008 TO DISCUSS THE ISSUES IN
THE REPRESENTATION OF REGISTERED METAL CRUSHER UNIT
OWNERS ASSOCIATION

The meeting was held in the chamber of Shri. T. Balakrishnan, IAS, Principal Secretary, Industries Department. The meeting commenced at 12.10 hrs. The following persons participated in the meeting.

1. Smt. Mayadevi, Joint Secretary, Industries (A) Department
2. Shri. B. Rajendra Babu, Joint Secretary, Revenue Department.
3. Shri. C. Vasudeva, Additional Director of Mining and Geology, Thiruvananthapuram.
4. Shri. T.K. Ramakrishnan, Geologist, Directorate of Mining and Geology, Thiruvananthapuram.
5. Shri. R. Sreedharan Nair, Chairman, Mallejil Industries Attachackal P.O., Konni - 689 692.
6. Shri. Jacob Punnán, Mining Consultant, A24 Kanakanagar, Thiruvananthapuram-695 003
7. Shri. Varghese Joseph, Treasurer, K.K Rocks & Granites, TC 11/3497, Kottackal, Pattom, Thiruvananthapuram.

The Principal Secretary welcomed the participants and requested to present their issues one by one.

1. Shri. Jacob Punnán, representing the crusher association informed that there is acute shortage of qualified person to be approved as Mines Managers, Mines foreman, Mines mate, blaster in the quarries in the State of Kerala. Hence, relaxation in the prescribed qualification for these posts is necessary.

The Principal Secretary opined that we may address the DGMS Dehra Dun to relax the qualification for 4 years until a course in this regard is introduced in the institution such as polytechnics of NSS, Pandalam, Govt. Polytechnic, Kalamassery, Thyagaraja Politechnic, Alagappa Nagar, Thrissur and to address these institutions the scope of diploma courses in Mining Engineering in the state.

2. Shri. Jacob Punnán further informed that as there is necessity of 25 to 30 hectares of land for quarries and stone crushers, the industry needs exemption from land ceiling as enjoyed by the owners of mills, factories, workshops and commercial sites as per Sec. 8 1(1) (c) & (q) of KLR Act.

[Handwritten signature]

37

Annexure A4
3

The Principal Secretary informed that the land utilised for quarries shall be declared as commercial sites by the Director of Mining and Geology and the land utilised for crusher units shall be declared as commercial sites by the Director of Industries and Commerce.

3. Representatives of the crusher association requested that the depths of the quarries as 20ft under Rule 8(1) (a) of the KMMC Rules, 1987, should be deleted. As the quarrying operation using explosives come under Mines Act, 1952, the working in the Mine can go beyond 20 ft.

The Additional Director stated that this aspect was studied in detail by the Department and as per recommendations, Government issued GO(P) 2/2008/ID dt. 2-1-2008 and the rule 8(1) (a) was deleted. But due to the public protest Government have stayed the provisions. As most of the registered metal crusher units are having quarrying lease the depth restriction of 20 ft do not affect them. Since all the granite building stone quarries and most of the Laterite quarries with quarrying permit comes under the purview of Mines Act 1952, the Department intends to modify rule 8(1) (a) as follows:

8(1) "Every quarrying permits granted under rule 4 shall be subject to the following conditions, namely:-

- (a) that the depth of the pit below surface shall not exceed 20 ft.

Provided for extraction of Granite and Laterite Building Stones under CRP System the restriction of depth under this rule shall not apply and for operation of such quarries conditions in rule 29(1) (h) shall apply".

The Principal Secretary agreed to this amendment and instructed the Department to submit a proposal to Government in this regard.

4. The representatives of crusher owners association informed that the quarrying lease orders are issued with very low production by the Director of Mining and Geology and it is not possible to operate quarry and crusher economically. The production rate will be decided by the reserve available, production facilities, market conditions etc. After the introduction of compounding system, there is no need to impose such restriction on the operation of the quarries. Many of them are facing problems from district offices directing them to restrict production as mentioned in the grant order of quarrying lease and demanding to remit royalty for over extraction.

The Additional Director of Mining and Geology, informed that the action by the Department was for reasons such as:

Wmp

38
Uncontrolled production leads to environmental problems in the surrounding areas. In the application for quarrying leases, the applicant has mentioned the approximate quantity of extraction per year. On the basis of this quantity, stamp duty was realised. On the strength of compounding of crusher units the lease holder extracted exorbitant quantity of Granite Building Stones leading huge loss of stamp duty and royalty to Government. Under these circumstances, the restriction in production was fixed by the Department.

Principal Secretary suggested that the loss in stamp duty can be compensated by realising the same once again and hence the lease holders may be permitted to remit stamp duty and to extract available granite building stones. He also ascertained that in future quarrying leases should be granted for the applied quantity, fully complying with all the environmental safe guards. The Principal Secretary further suggested that there is no need of demanding royalty for the excess quantity of granite building stone produced, after subtracting the consolidated royalty paid by the crusher owners in advance for a year and the Department should strictly adhere to the stipulation in Rule 48 P of the KMMC Rules, in this case.

5. Shri. Sreedharan Nair, President of the Registered Metal Crusher Owners Association informed that when fresh applications for quarrying permit/quarrying lease are submitted over already quarried areas, taking measurements of the quarries and demanding royalty of the quantity already extracted should be avoided and the area should be surveyed and estimated the extracted quantity at the expense of the applicant and contour plan prepared.

The Additional Director of Mining and Geology opined that as in the case of Mineral Concession Rules 1960 the applicant should submit a progressive mine plan and mine closure plan incorporating the data on the reserve available, production facilities, average annual production and over burden etc.. In such a situation the Department can direct them to adhere to the conditions in the progressive mine plan and mine closure plan.

The Principal Secretary informed that "there are several cases where the lease holder of a quarry is directed to pay royalty for the entire quantity extracted even though he has only operated a part of it. For eg: An applicant has quarried a place for 5 years and has abandoned the quarry. After a period of 3 or 4 years another applicant applies for the same quarry and he removes stones/laterite for several years. When the second applicant continues quarrying, he is directed to pay for the entire quantity removed even though his predecessor have removed half of it and paid for it. In order to avoid this conflict Geologist should insist on contour plan including photographs of the quarry to ascertain the quantity of minerals already extracted from the applied area. This procedure

[Signature]

should be adopted for all future cases. In the case of renewal of quarrying permit/quarrying lease, by the same applicant, he is not eligible for relaxation of royalty for over extraction than the permitted quantity. In the case of RMCU, the demand after measurement and assessment of quarried area is not applicable.

The crusher owners association was also of the view that the quarry can be converted into a rain water pond, it is not necessary to bring back the soil and it can be used for refilling low lying land. But the Revenue Department and Police are seizing their trucks in the highway under various pretexts. Revenue and Police Departments may be informed that movement of overburden / waste material is an integral part of quarrying.

In this case, the Additional Director of Mining and Geology informed that as per the Mines & Minerals (Development & Regulation) Act 1957 and rules made there under, the quarry pits should be reclaimed by quarry waste and over burden and hence these materials to be stocked in the lease hold area. Before granting a lease, the lessee has furnished a sworn affidavit stating that he would reclaim the pits by using quarry waste and overburden and make it fit for cultivation. Hence, the lessee is bound to adhere to the lease agreement and stock overburden and quarry waste within the lease hold but not far away from the quarry. The Kerala Human Rights Commission on several occasions have criticised the Department in the cases of death occurred by drowning of public and animals in the water logged abandoned quarries.

The Principal Secretary ascertained that as far as the safety and environment aspects are concerned, no relaxation will be given. The rules with regard to reclamation, proper storage and safety measures should be scrupulously followed.

Shri. Varghese Joseph was of the view that Local Government authorities/Local Police are some times issuing arbitrary and unscientific restriction like non-permission of electric blasting. Director of Mine Safety holds that electrical blasting is safer than ordinary blasting on all accounts. Hence, Local Government authorities and Police authorities may be addressed not to issue such arbitrary directions.

The Principal Secretary directed the crusher owners to submit a note on their demand to the Director of Mining and Geology in this regard. The Director of Mining and Geology will address on the issue to the DGMS. After receiving a reply, the Government will issue a circular to the Panchayaths, Pollution Control Board and other officials in this connection.

The meeting concluded at 12.55 hrs.

This is the true copy of document marked as EXHIBIT referred in the above case.

A4 WJP
ADVOCATE

No.4836/M3/2005

40

Directorate of Mining and Geology
Kesavadasapuram, Pattom P.C
Thiruvananthapuram-4
Dated 20/5/2009

From
To The Director of Mining and Geology

All District Geologists

Sir,

Sub:- Mines and Minerals - Excess production of granite metals (building stone) by registered metal crusher units violating the conditions in the lease agreement - legal steps dropped - reg

- Ref:- 1. G.O.(Rt) No. 1087/2008/ID, dtd. 22/9/2008
2. Rule 48 P of KMMC Rules 1967
3. Govt. Lr. No. 25748/A3/2008/ID, dtd. 25/10/2008 and its enclosures.

Refer to the amendments made by SRC. No.152/2002 in the Kerala Minor Mineral Concession Rules 1967. As per the introduction of Rule 48 P in the Kerala Minor Mineral Concession Rules 1967 not with-standing anything contrary contained in any other provision of these rules, a holder of a registered metal crusher unit for production of metals of various size from granite building stones who is in possession of quarrying lease or permit shall opt to pay consolidated royalty at the rates specified in Schedule IV of the rules instead of paying royalty at the rates specified in Schedule I. By virtue of introduction of this rule a number of lessees having metal crusher units paid consolidated royalty at the rates specified in Schedule IV instead of paying royalty at the rates specified in Schedule I, and extracted mined granite building stones and produced granite metal. Even though they were given registration for their metal crushed units as per the Rule 48 R, in the grant order of the quarrying lease issued by the Director of Mining and Geology they were permitted to quarry a fixed quantity of granite building stones. But the Crusher owners quarried granite building stones in violation of the grant order issued by the Director of Mining and Geology and hence the Director of Mining and Geology sent demand notice to Registered Metal Crusher Unit owners for realizing the royalty of the excess quantity of granite building stones quarried than permitted in the grant order of the quarrying lease.



Aggrieved by this orders of the Director of Mining and Geology, some of the RMCU owners filed appeal petition before the Government as per Rule 49 of the KMMC Rule 1967. While disposing the 3 appeal petitions filed by M/s. Poabs Rock Products and one appeal petition filed by M/s. Panachayil Industries, Thiruvalla the Government accepted the arguments of the appellants by virtue of the above said amendment to the KMMC Rule 1967, particularly the introduction of Rule 48 P. According to the reference 1st cited it is unjust and illegal to demand royalty form the appellants at the rates specified in schedule I in addition to the consolidated royalty paid by them as specified in schedule IV of the KMMC Rules 1967.

In this order it is also categorically stated that "nowhere in the KMMC Rules Government is authorized to specify the quantity of minor mineral to be removed from the leased area in the year. There is no provision either in the agreement executed between the State Government and the appellants to prevent or curtail; the right of the appellants to remove granite building stones as per his requirements". Hence by virtue of these legal provision Government have set aside the demand of the Director of Mining & Geology.

Also, in a meeting convened by the Principal Secretary, Industries Department on 24/9/2008 to discuss the issues put forward by the Registered Metal Crusher Unit Owners Association, the Principal Secretary has suggested that there is no need of demanding royalty for the excess quantity of granite building stones produced after subtracting the consolidated royalty paid by the crusher owners in advance for a year and has also suggested that the Department of Mining & Geology should strictly adhere to the stipulation in Rule 48 P of the KMMC Rules in the case of registered metal crushed units

In the above circumstances it is decided to stop further steps against the owners of the registered metal crusher units in realising royalty of the excess quantity of granite building stones quarried than permitted in the grant order of quarrying lease.

Yours faithfully

DIRECTOR OF MINING AND GEOLOGY (LC)

Copy to:

The Senior Geologist/Geologist
 District Office,

21/5-M13

Despatched on 27.5.09

This is the true copy of document
 marked as EXHIBIT referred
 ANNEXURE A5
 in the above case.

42

Annexure A6

Form S
REGISTRATION AS REGISTERED METAL CRUSHER UNIT
(See Rule 48 R)

No.108/2013-14/RMCU/TVPM/2S25/M3/2013

Dated : 27/03/2013

A registration to register as registered metal crusher unit for making various sizes of aggregates from granite building stones under the Kerala Minor Mineral Concession Rules, 1967 to Shri. Sabu Joseph, Managing Director, Covenant Stones (P)Limited Shop No. 237, Mukkola, Nettayam.P.O, Thiruvananthapuram 695013 is hereby registered to operate the crushing units and sell the aggregates made from granite building stones thereof.

Jaw size	No. of jaws
Cone Crusher	1 No (ONE only)
VS!	1 No (One only)

Location of the registered crusher unit & facility

Extent	:	227.30 Ares
Sy. No	:	470
Village	:	Manickal
Taluk	:	Nedumangadu
District	:	Thiruvananthapuram

This registration will be in force for the financial year 2013-2014

Conditions for registration

The registration shall be displayed in a prominent place in a part of the premises open to the public.

The registered crusher unit shall comply with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Kerala Minor Mineral Concession Rules, 1967 and all orders issued by the competent authority in this regard.

The registered metal crusher unit shall display in a prominent place in a part of the premises the true list of granite aggregates offered for sale by them.

Dated this the 27th day of March, 2013

Seal of the competent authority)



Sd/-
C.EALARAMAN
DIRECTOR OF MINING & GEOLOGY

To
Shri. Sabu Joseph, Managing Director,
Covenant Stones (P)Limited Shop No. 237,
Mukkola, Nettayam.P.O, Thiruvananthapuram 695013

Copy to :

The Geologist, District Office: Thiruvananthapuram
Stock File, File
Chalan No.402 dated. 23/3/2013 remitted at Sub Treasury, Vellayambalam
for Rs 4,00,000/- (Rupees four lakhs only)

Quarrying Lease considered for Registration:

Pro.Order No. 98/2011-12/3499/M3/2011 dtd. 20/05/2011

(By Order)

Anwarul Karim
27.3.2013
Senior Superintendent

WJP

No.2825/M3/2013

Directorate of Mining & Geology
Késavadasapuram, Pattom P.O.
Thiruvananthapuram-4
Tel: 0471-2447429
Fax: 0471-2447429

E.mail: director@dmg.kerala.gov.inWeb: www.dmg.kerala.gov.in

Dated: 27/03/2013

From

The Director of Mining & Geology

To

Shri. Sabu Joseph, Managing Director,
Covenant Stones (P)Limited Shop No. 237,
Mukkola, Nettayam.P.O, Thiruvananthapuram 695013

Sir,

Sub:- Mines and Minerals - Minor Minerals Registration of crusher unit to -

Shri. Sabu Joseph, Managing Director, Covenant Stones (P)Limited Shop No. 237,
Mukkola, Nettayam.P.O, Thiruvananthapuram 695013 - reg

Ref:- 1) Lr. No. 328/DOT/ML/2013 dtd. 16/03/2013 of the Geologist,
District Office, Thiruvananthapuram

2) Registration No. 103/2013-14/RMCU/TVPM/2325/13/2013 dtd. 27/03/2013

.....

I am forwarding herewith a registration in Form 'S' for the financial year 2013-2014 granted to Shri. Sabu Joseph, Managing Director, Covenant Stones (P)Limited Shop No. 237, Mukkola, Nettayam.P.O, Thiruvananthapuram 695013 for changing over to the consolidated royalty scheme as provided in Kerala Minor Mineral Concession Rules, 1967. In this regard the following instructions are issued.

1. Every consignment of granite building stone despatched under this registration shall be invariably be accompanied by a certificate of despatch in Form 'P' of the Kerala Minor Mineral Concession Rules,1967 and stamped on the reverse "Suffered Consolidated Royalty" under the signature and the seal of officer of this Department in charge of the district where the crusher is located.
2. Monthly and annual returns as per the provisions of Kerala Minor Mineral Concession Rules, 1967 have to be filed as laid down in the statute.

Any deviation or lapse on your part to conform to the above instructions may be liable for summary termination of this registration without prejudice of any actions that may be instituted in accordance with the statute.

Yours faithfully,

Amalathara
27.3.2013
DIRECTOR OF MINING & GEOLOGY

Copy to:
actions).

The Geologist, District Office, Thiruvananthapuram (for information and follow up

Wyp

No.4310/M3/2014

44

Directorate of Mining and Geology
Kesavadasapuram, Pattom P.O.

Thiruvananthapuram-4

Tel: 0471-2447429

Fax: 0471-2447429

E.mail: director.dir.dmg@kerala.gov.inWeb: www.dmg.kerala.gov.in

Dated: 31/3/2014

From

The Director of Mining and Geology

To

Sri. Sabu Joseph, Managing Director,
Covenant Stone(P)Ltd, Shop No. 237, Mukkola,
Nettayam.P.O., TVPM

Sub:- Mines and Minerals – Minor Minerals Registration of crusher unit to –
to Sri. Sabu Joseph, Managing Director, Covenant Stone(P)Ltd, Shop No.
237, Mukkola, Nettayam.P.O., TVPM- reg.

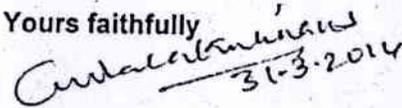
- Ref:- 1) Lr. No. 801/DOT/ML/2014 dtd. 24.3.2014 of the Geologist,
District Office, Thiruvananthapuram
2) Registration No. 52/2014-15/RMCU/TVPM/4310/M3/2014 dated
31.3.2014.

I am forwarding herewith a registration in Form 'S' granted for the financial year 2014-2015 granted Sri. Sabu Joseph, Managing Director, Covenant Stone(P)Ltd, Shop No. 237, Mukkola, Nettayam.P.O., TVPM for changing over to the consolidated royalty scheme as provided in Kerala Minor Mineral Concession Rules, 1967. In this regard the following instructions are issued.

1. Every consignment of granite building stone despatched under this registration shall be invariably be accompanied by a certificate of despatch in Form 'P' of the Kerala Minor Mineral Concession Rules, 1967 and stamped on the reverse "Suffered Consolidated Royalty" under the signature and the seal of officer of this Department in charge of the district where the crusher is located.
2. Monthly and annual returns as per the provisions of Kerala Minor Mineral Concession Rules, 1967 have to be filed as laid down in the statute.

Any deviation or lapse on your part to conform to the above instructions may be liable for summary termination of this registration without prejudice of any actions that may be instituted in accordance with the statute.

Yours faithfully


31-3-2014

DIRECTOR OF MINING & GEOLOGY

Copy to: The Senior Geologist, District Office, Thiruvananthapuram (for information and follow up actions)



45

Annexure A.B.
4

Form S
REGISTRATION AS REGISTERED METAL CRUSHER UNIT
(See Rule 48 R)

No. 52/2014-15/RMCU/TVPM/4310/M3/2014

Dated : 31/3/2014

A registration to register as registered metal crusher unit for making various sizes of aggregates from granite building stones under the Kerala Minor Mineral Concession Rules, 1967 to Sri. Sabu Joseph, Managing Director, Covenant Stone(P)Ltd, Shop No. 237, Mukkola, Nettayam.P.O., TVPM is hereby registered to operate the crushing units and sell the aggregates made from granite building stones thereof.

<u>Jaw size</u>	<u>No. of jaws</u>
Cone Crusher	: 1 No (One Only)
VSI	: 1 No (One Only)

Location of the registered crusher	Extent	: 227.30 Ares
	Sy. Nos	: 470
unit & the facility	Village	: Manickal
	Taluk	: Nedumangad
	District	: Thiruvananthapuram

This registration will be in force for the financial year 2014-2015

Conditions for registration

The registration shall be displayed in a prominent place in a part of the premises open to the public.

The registered crusher unit shall comply with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Kerala Minor Mineral Concession Rules, 1967 and all orders issued by the competent authority in this regard.

The registered metal crusher unit shall display in a prominent place in a part of the premises the true list of granite aggregates offered for sale by them.

Dated this 31st day of March 2014

(Seal of the competent authority)



Sd/-
A.PRABHA KUMAR
DIRECTOR OF MINING & GEOLOGY

To
Sri. Sabu Joseph, Managing Director,
Covenant Stone(P)Ltd, Shop No. 237, Mukkola,
Nettayam.P.O., TVPM

Copy to :
The Geologist, District Office: Thiruvananthapuram
Stock File, File -
Chalan No. 1102 dated 29.3.2014 remitted at District Treasury, Thiruvananthapuram

For Rs.4,00,000/- (Rupees Four Lakh only)
Quarrying Lease considered for Registration
1.Pro. Order No. 98/2011-12/3499/M3/2011 dtd. 20/5/2011

(By Order)
C. Lalakrishnan
31-3-2014

Senior Superintendent

J.R

Imp

46

Annexure 176
5

FORM R
(See rule 49)
The Kerala Minor Mineral Concession Rules, 2015
GOVERNMENT OF KERALA
DEPARTMENT OF MINING AND GEOLOGY
DISTRICT OFFICE, THIRUVANANTHAPURAM
MOVEMENT PERMIT

No. 1/2015-16/RMCU/CS/941/DOT/ML/15

Date:31-03-2015

Sri. Sabu Joseph, Managing Director, Covenant Stones (Pvt) Ltd, Shop No. 237, Mukkola, Nettayam P O, Thiruvananthapuram who is holding Registered Metal Crusher Unit Registration No.101/ 2015-16/RMCU/TVPM/3438/M3/2015 dated 31-03-2015 under the Kerala Minor Mineral Concession Rules, 2015 is hereby permitted to transport Granite Aggregates from quarry situated at Katta in Survey No.470, 472/4-1, 4-1, 474/1-1,472/5, 472/6, 474/1, 474/1-2, of Manickal, Village, ReSy No. 29/2, 29/3, 30/4 of Thekkada village Nedumangad Taluk, Thiruvananthapuram District for the period from 01/04/2015 to 30/04/2015. *This movement permit is issued for the purpose of transport of minerals for value addition and for subsequent sale of value added products from the value addition unit. (strike off if not applicable). **Every consignment of mineral permitted to be moved under this movement permit shall be moved only with valid minerals transit pass issued under the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules 2015.**

Other particulars are as detailed below:

- 1.Particulars of mineral concession : . No.101/ 2015-16/RMCU/TVPM/3438/M3/2015 dated 31-03-2015
2. Particulars of pervious movement permits which stands cancelled: NIL
3. Balance quantity of mineral brought forward from previous movement permit:NIL
4. Quantity of mineral permitted to be moved under this movement permit: 10000 MT
5. Particulars of remittance of rent/royalty/taxes as applicable:Rs. 400000/- being the 1st Installement out of 1600000/-

(Office Seal)



Signature and seal of Competent Authority

Sabu Joseph
31/3/15

GEOLOGIST
DISTRICT OFFICE
DEPT. OF MINING & GEOLOGY
THIRUVANANTHAPURAM

Sabu Joseph

47

Annexure A6
6

FORM R
(See rule 49)
The Kerala Minor Mineral Concession Rules, 2015
GOVERNMENT OF KERALA
DEPARTMENT OF MINING AND GEOLOGY
DISTRICT OFFICE, THIRUVANANTHAPURAM
MOVEMENT PERMIT

No. 2/2015-16/RMCU/CS/941/DOT/ML/15

Date: 29-04-2015

Sri. Sabu Joseph, Managing Director, Covenant Stones (Pvt) Ltd, Shop No. 237, Mukkola, Nettayam P O, Thiruvananthapuram who is holding Registered Metal Crusher Unit Registration No.101/ 2015-16/RMCU/TVPM/3438/M3/2015 dated 31-03-2015 under the Kerala Minor Mineral Concession Rules, 2015 is hereby permitted to transport Granite Aggregates from crusher situated at Katta in Sy. No.470 Manickal village and quarry situated at Katta in Survey No.470, 472/4-1, 4-1, 474/1-1, 472/5, 472/6, 474/1, 474/1-2, of Manickal, Village, ReSy No. 29/2, 29/3, 30/4 of Thekkada village Nedumangad Taluk, Thiruvananthapuram District for the period from 29/04/2015 to 28/05/2015. *This movement permit is issued for the purpose of transport of minerals for value addition and for subsequent sale of value added products from the value addition unit. (strike off if not applicable). **Every consignment of mineral permitted to be moved under this movement permit shall be moved only with valid minerals transit pass issued under the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules 2015.**

Other particulars are as detailed below:

1. Particulars of mineral concession : . No.101/ 2015-16/RMCU/TVPM/3438/M3/2015 dated 31-03-2015
2. Particulars of pervious movement permits which stands cancelled: NIL
3. Balance quantity of mineral brought forward from previous movement permit: NIL
4. Quantity of mineral permitted to be moved under this movement permit: 10000 MT
5. Particulars of remittance of rent/royalty/taxes as applicable: Rs. 400000/- being the 1st installment out of 1600000/-



⑧
29/4/15
Signature and seal of Competent Authority

[Handwritten signature]

48

Annexure A6
7

Directorate of Mining & Geology,
Kesavadasapuram, Pattom Palace.P.O.,
Thiruvananthapuram - 4.
Tel/Fax : 0471-2447429
e-mail: director.dir.dmg@kerala.gov.in
www.dmg.kerala.gov.in

No. 3096/M3/2016

Dated : 01.04.2016

From

The Director of Mining & Geology

To

Sri.Sabu Joseph, Managing Director, Covenant Stone (P)-Limited,
Shop No.237, Mukkola, Nettayam P.O, Thiruvananthapuram

Sir,

Sub: Mines & Minerals-Minor Minerals-KMMC Rules 2015 & Kerala
Minerals (PIMST) Rules, 2015-Registration of Metal Crusher Unit of
Sri.Sabu Joseph, Managing Director, Covenant Stone (P) Limited,
Shop No.237, Mukkola, Nettayam P.O, Thiruvananthapuram-reg

- Ref: 1. Lr.No. 865/DOT/ML/2016 dt.29.3.16 of the Geologist,
District Office, Thiruvananthapuram
2. Reg.No.92/2016-17/RMCU/Tvpm/3096/M3/2016
dtd. 1.4.2016

I am forwarding herewith the Registration Certificate issued in FORM-L of the KMMC Rules 2015 to Sri.Sabu Joseph, Managing Director, Covenant Stone (P) Limited, Shop No.237, Mukkola, Nettayam P.O, Thiruvananthapuram for the financial year 2016-17 based on your application for opting consolidated Royalty payment system. While issuing movement permits and mineral transit passes for transporting Granite aggregates from the Crusher Unit, you should produce before the Geologist all the documents required under Rule 49 of the KMMC Rules 2015 including Explosive licence, consent from the Pollution Control Board, D & O Trade licence from the Local Self Government Authorities. You are exempted from obtaining registration under Kerala Minerals (PIMST) Rules, 2015. While obtaining mineral transit passes in Form O(A) or O(B) of Kerala Minerals (PIMST) Rules, 2015 you should ensure that the passes contain the particulars stipulated in Rule 26(1) & 26(2) of these rules especially name seal and signature of the issuing authority.

2



You are also instructed to maintain registers stipulated in these rules and you should submit these registers before the Geologist as and when Movement Permits are issued. You are instructed to submit monthly return in Form-F and Annual statement in Form-G of the KMMC Rules without fail. You are further instructed to maintain a Register in the following manner showing the daily production and sales. The particulars in this register should be got verified by the office of the Geologist as and when movement permits are issued.

REGISTER TO BE MAINTAINED BY A LESSEE SHOWING DAILY PRODUCTION AND SALES OF GRANITE BUILDING STONE.

Name of Lessee :

Lease No :

Registration No. allotted to Metal Crusher Unit :

Date	Opening balance in tones	Quantity produced in tonnes	Total	Quantity sold in tonnes	Mineral Transit pass on issued	Sl.No: --- to.....	Closing balance in tones	Signature of the lessee
(1)	(2)	(3)	(4)	(5)	(6)		(7)	(8)

If you deviate from the instructions given above, this office will be forced to cancel the Registration granted to your Metal Crusher Unit.

You should remit quarry safety fund as per Rule 63 of the KMMC Rules 2015 as demanded by the Geologist.

You are bound to pay the arrear consolidated royalty of Rs.12,00,000/- (12 lakhs) for the period 2014-15 and Rs.4,00,000 (four lakhs) for the period of 2015-16 subject to final decision of the Hon'ble High Court in the W.P(C)No.19504/2015(K) filed by you in this regard.

Yours faithfully

[Signature]
07/04/2016

DIRECTOR OF MINING & GEOLOGY

Copy to:- The Geologist, District Office, Thiruvananthapuram. Movement Permit will be issued after collecting QSF. (for information and follow up action)

LS/1.4



[Handwritten signature]

50

Annexure A6
9

FORM L
(See Rule 91)
REGISTRATION CERTIFICATE ISSUED TO A REGISTERED METAL
CRUSHER UNIT

Registration No.92/ 2016-17/RMCU/Tvpm/3096/M3/2016 Dtd. 01.04.2016

The Metal Crusher Unit situated in Sy.No. 470 of Manickal Village of Nedumangad Taluk of Thiruvananthapuram District and owned by Sri.Sabu Joseph, Managing Director, Covenant Stone (P) Limited, Shop No.237, Mukkola, Nettayam P.O, Thiruvananthapuram has been registered in the Department of Mining & Geology under Rule 91 of the Kerala Minor Mineral Concession Rules, 2015 for the production and sale of aggregates of granite (building stones) by operating the machines noted below. The owner of the registered metal crusher unit has been granted quarrying lease in Sy.Nos. 470,472/4-1,474/1-1, Manicak Village, Re.Sy.No.29/2,293/3,30/4 of Thekkada Village, Re.Sy.No. 472/5,472/6,474/1&1-2 in Manickal Village of Nedumangad Taluk for the extraction of granite (building stones) to be used in the crusher unit.

Jaw size used in the crusher unite	No. of Jaws
Cone crusher (250 HP)	1 No. (One only)
The particulars of the other machines, if any, used for crushing granite (building stone)	Primary 44"x32" - 1 No VSI 840 -1No
Particulars of quarrying leases based on which registration is granted	Pro.No.98/2011-12/3499/M3/2011 dtd. 20.5.2011

This registration will be in force for the financial year 2016-17(from 1.4.16 to 31.3.17)

The registration already granted and which expired on 31st March 2016 is renewed up to 31st March 2017.

[Handwritten Signature]

51

Annexure A6
10

Conditions for Registration

The registration certificate shall be displayed in a prominent place in a part of the premises open to the public.

The owner of the registered metal crusher unit shall comply with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Kerala Minor Mineral Concession Rules, 2015 and all other orders issued by the competent authority in this regard from time to time.

The owner of the registered metal crusher unit shall display in a prominent place in a part of the premises the true list of granite aggregates offered for sale by them.

Dated this the 1st day of April 2016.

Sd/-

D.P.Sreekumar
Director of Mining & Geology

Seal of the Competent Authority

To: Sri.Sabu Joseph, Managing Director, Covenant Stone (P) Limited,
Shop No.237, Mukkola, Nettayam P.O, Thiruvananthapuram

Copy to:

The Geologist: Dist. Office: Thiruvananthapuram

Stock File, File

Chalan No.8 dt. 31.3.2016 for Rs.4,00,000 remitted at District Treasury,
Thiruvananthapuram

(By Order)

[Handwritten Signature]
01/04/2016

Senior Superintendent



[Handwritten Signature]

59

Annexure A6
11

1st Quater 2015-16

The lessee has to remit Rs.16,00,000/- (Rupees Sixteen Lakhs Only) being the consolidated royalty for one year. He has opted for payment in 4 installments. He has remitted Rs. 4,00,000/- being the first Installment. The next installment falls due on 30-06-2015. He is eligible for movement permit for the period from 01-04-2015 to 30-06-2015 (strike off whichever is not applicable)

Note: This certificate shall be issued separately on payment of each installment opted.



Janell
31/03/2015

for

Director of Mining & Geology

CS3438

WMP

53

Annexure A6
12

CERTIFICATE

1st quarter- 2016-2017

The lessee has to remit Rs.16,00,000 being the consolidated royalty for one year. He has opted for payment in four installments. He has remitted an amount of Rs.4,00,000 being the first installment. The next installment falls due on 30.6.16. He is eligible for movement permit for the period from 1.4.16 to 30.6.16

Note: This certificate shall be issued separately on payment of each installment opted.

Ls/1.4

Shil
01/04/2016
Director of Mining & Geology



My p

54

Annexure A6
13

Directorate of Mining & Geology,
Kesavadasapuram, Pattom Palace.P.O.,
Thiruvananthapuram - 4.
Tel/Fax : 0471-2447429
e-mail: director.dir.dmg@kerala.gov.in
www.dmg.kerala.gov.in

No.3121/M3/2017

Dated :29/03/2017

From

The Director of Mining & Geology

To

✓ Sri. Sabu Joseph, Managing Director, M/s Covenant Stones Pvt. Ltd.,
Shop No. 237, Nettayam P O, Thiruvananthapuram

Sir,

Sub: Mines & Minerals-Minor Minerals-KMMC Rules 2015 & Kerala Minerals
(PIMST) Rules, 2015-Registration of Metal Crusher Unit owned by
Sri. Sabu Joseph, Managing Director, M/s Covenant Stones Pvt. Ltd.,
Shop No. 237, Nettayam P O, Thiruvananthapuram

- Ref:** 1. Lr.No. 587/DOT/ML/2017 dtd. 27/03/2017 of the Geologist,
District Office, Thiruvananthapuram
2. Reg.No. 109/2017-18/RMCU/TVM/3121/M3/2017
dtd. 29/03/2017

I am forwarding herewith the Registration Certificate issued in FORM-L of the KMMC Rules 2015 to Sri. Sabu Joseph, Managing Director, M/s Covenant Stones Pvt. Ltd., Shop No. 237, Nettayam P O, Thiruvananthapuram for the financial year 2017-18 based on your application for opting Consolidated Royalty Payment System. In order to obtain movement permits and mineral transit passes for transporting Granite aggregates from the Crusher Unit, you should produce before the Geologist all the documents required under Rule 49 of the KMMC Rules 2015 including Explosive licence, consent from the Pollution Control Board, D & O licence from the Local Self Government Authorities. You are exempted from obtaining registration under Kerala Minerals (PIMST) Rules, 2015. While obtaining mineral transit passes in Form O(A) or O(B) of Kerala Minerals (PIMST) Rules, 2015 you should ensure that the passes contain the particulars stipulated in Rule 26(1) & 26(2) of these rules especially name seal and signature of the issuing authority.

You are also instructed to maintain registers stipulated in these rules and you should submit these registers before the Geologist as and when Movement Permits are issued. You are instructed to submit monthly return in Form-F and Annual statement in Form-G of the KMMC Rules without fail. You are further instructed to maintain a Register in the following manner showing the daily production and sales.

[Handwritten signature]

The particulars in this register should be got verified by the office of the Geologist as and when movement permits are issued.

It is to be noted that though you have opted for Consolidated Royalty Payment System you shall not quarry more quantity of Granite (Building Stone) than the quantity stipulated in the approved plan, in a year.

REGISTER TO BE MAINTAINED BY A LESSEE SHOWING DAILY PRODUCTION AND SALES OF GRANITE BUILDING STONE.

Name of Lessee :
Lease No :
Registration No. (Revised) allotted to Metal Crusher Unit :

Date	Opening balance	Quantity produced in	Total	Quantity sold	Mineral Transit pass on issued Sl.No: -	Closing balance in [MT]	Signature of the
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

If you deviate from the instructions given above, this office will be forced to cancel the Registration granted to your Metal Crusher Unit.

YOU SHOULD REMIT QUARRY SAFETY FUND AS PER RULE 63 OF THE KMMC RULES 2015 AS DEMANDED BY THE GEOLOGIST.

Yours faithfully
[Signature]
29/03/2018

DIRECTOR OF MINING & GEOLOGY(I/C)

Copy to:-

The Geologist, District Office, Thiruvananthapuram
(for information and follow up actions)



[Handwritten signature]

56

Annexure A6
15**FORM.L**
(See rule 91)**REGISTRATION CERTIFICATE ISSUED TO A REGISTERED METAL
CRUSHER UNIT**

Registration No. 109/2017-18/RMCU/TVM/3121/M3/2017

Dtd. 29/03/2017

The Metal Crusher Unit situated in Sy. No. 470 of Manickal Village of Nedumangad Taluk of Thiruvananthapuram District and owned by Sri. Sabu Joseph, Managing Director, M/s Covenant Stones Pvt. Ltd., Shop No. 237, Nettayam P O, Thiruvananthapuram has been registered in the Department of Mining & Geology under Rule 91 of the Kerala Minor Mineral Concession Rules, 2015 for the production and sale of aggregates of granite (building stones) by operating the machines noted below. The owner of the registered metal crusher unit has been granted quarrying lease in Re-Sy Nos. 470, 472/4-1 & 4-1, 474/1-1 in Manickal Village, Re-Sy Nos. 29/2, 29/3, 30/4 in Thekkada Village of Nedumangad Taluk of Thiruvananthapuram District for the extraction of granite (building stones) to be used in the crusher unit.

Number and Description of Machines /Jaw Crusher units for which consolidated royalty is to be paid:	Cone Crusher (160HP)- 1No.(One only)
The particulars of the other machines, if any, used for crushing granite (building stone), in the crusher unit	VSI (185HP) -1No. (One only) (Attached with Cone Crusher)
Particulars of quarrying leases based on which registration is granted	Pro. Order No. 98/2011-12/3499/M3/2011 dated 20/05/2011 of the Director of Mining and Geology

This registration will be in force for the period from 01-04-2017 to 31.03.2018.

Conditions for Registration

The registration certificate shall be displayed in a prominent place in a part of the premises open to the public.

The owner of the registered metal crusher unit shall comply with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and



57

Annexure 16
16

the Kerala Minor Mineral Concession Rules, 2015 and all other orders issued by the competent authority in this regard from time to time.

The owner of the registered metal crusher unit shall display in a prominent place in a part of the premises the true list of granite aggregates offered for sale by them.

Dated this the 29th day of March 2017

Sd/-

T.K. Ramakrishnan
Director of Mining & Geology (I/c)

Seal of the Competent Authority

To:

Sri. Sabu Joseph, Managing Director, M/s Covenant Stones
Pvt. Ltd., Shop No. 237, Nettayam P O, Thiruvananthapuram

Copy to:

The Geologist, District Office, Thiruvananthapuram
Stock File, File

(Chalan No. KL007003169201617M dated 29/03/2017 for Rs. 4,00,000/- remitted at Sub Treasury, Kudappanakunnu, Thiruvananthapuram)

(By Order)

K. S. S. S.
29/03/2017

Senior Superintendent



Mmp

58

Annexure AB
17

Certificate

The lessee has to remit an amount of Rs. 16,00,000/- (Rupees sixteen lakh only) being the consolidated royalty for one year. He has opted for payment in four installments. He has remitted an amount of Rs. 4,00,000/- (Rupees four lakh only) being the first installment. The next installment falls due on 30/06/2017. He is eligible for movement permit for the period from 01/04/2017 to 30/06/2017.

Note :- This certificate shall be issued separately on payment of each installment opted.

[Handwritten signature]
29/03/2017

Director of Mining & Geology(I/c)



[Handwritten signature]

Directorate of Mining & Geology,
Kesavadasapuram, Pattom Palace.P.O.,
Thiruvananthapuram - 4.
Tel/Fax : 0471-2447429
e-mail: director.dir.dmg@kerala.gov.in
www.dmg.kerala.gov.in

No. 2997/M3/2019

Dated : 05/04/2019

From

The Director of Mining & Geology

To

M/s. Covenant Stones Private Limited,
Trinity Hill, Naruvamood. P. O, Thiruvananthapuram
(Represented by its Director, Shri. Reghunathan Kunjukrishnan)

Sir,

Sub: Mines & Minerals-Minor Minerals-KMMC Rules 2015 & Kerala Minerals (PIMS&T) Rules, 2015-Registration of Metal Crusher Unit owned by M/s. Covenant Stones Private Limited, Trinity Hill, Naruvamood. P. O, Thiruvananthapuram (Represented by its Director, Shri. Reghunathan Kunjukrishnan) -reg.

Ref: 1. Lr. No. 499/DOT/ML/2019 dtd. 23/03/2019 of the Geologist, District Office, Thiruvananthapuram
2. Reg. No. 152/2019-20/RMCU/TVM/2997/M3/2019 dtd. 05/04/2019

I am forwarding herewith the Registration Certificate issued in FORM-L of the KMMC Rules 2015 to M/s. Covenant Stones Private Limited, Trinity Hill, Naruvamood. P. O, Thiruvananthapuram (Represented by its Director, Shri. Reghunathan Kunjukrishnan) for the financial year 2019-20 based on your application for opting Consolidated Royalty Payment System. In order to obtain movement permits and mineral transit passes for transporting Granite aggregates from the Crusher Unit, you should produce before the Geologist all the documents required under Rule 49 of the KMMC Rules 2015 including Explosive licence, consent from the Pollution Control Board, D & O licence from the Local Self Government Authorities. You are exempted from obtaining registration under Kerala Minerals (PIMS&T) Rules, 2015. While obtaining mineral transit passes in Form O(A) or O(B) of Kerala Minerals (PIMS&T) Rules, 2015 you should ensure that the passes contain the particulars stipulated in Rule 26(1) & 26(2) of these rules especially name seal and signature of the issuing authority.

You are also instructed to maintain registers stipulated in these rules and you should submit these registers before the Geologist as and when Movement Permits are issued. You are instructed to submit monthly return in Form-F and Annual statement in Form-G of the KMMC Rules without fail. You are further instructed to maintain a Register in the following manner showing the daily production and sales. The particulars



in this register should be got verified by the office of the Geologist as and when movement permits are issued.

It is to be noted that though you have opted for Consolidated Royalty Payment System you shall not quarry more quantity of Granite (Building Stone) than the quantity stipulated in the approved plan, in a year.

REGISTER TO BE MAINTAINED BY A LESSEE SHOWING DAILY PRODUCTION AND SALES OF GRANITE BUILDING STONE.

Name of Lessee :

Lease No :

Registration No. (Revised) allotted to Metal Crusher Unit :

Date	Opening balance in tonnes	Quantity produced in tonnes	Total	Quantity sold in tonnes	Mineral Transit pass on issued Sl.No: --- to ---	Closing balance in [MT] [MT]tonne	Signature of the lessee
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

If you deviate from the instructions given above, this office will be forced to cancel the Registration granted to your Metal Crusher Unit.

YOU SHOULD REMIT DMF AS PER RULES, AS DEMANDED BY THE GEOLOGIST.

Yours faithfully

Jale
05/07/2019

J DIRECTOR OF MINING & GEOLOGY

Copy to:-

The Geologist, District Office, Thiruvananthapuram
(for information and follow up actions)



Imp

61

FORM L
(See rule 91)Annexure 9B
20

REGISTRATION CERTIFICATE ISSUED TO A REGISTERED METAL CRUSHER UNIT

Registration No. 152/2019-20/RMCU/TVM/2997/M3/2019

Dtd. 05/04/2019

The Metal Crusher Unit situated in Re - Sy. No. 470 of Manickal Village, Nedumangad Taluk, Thiruvananthapuram District and owned by M/s. Covenant Stones Private Limited, Trinity Hill, Naruvamood. P. O, Thiruvananthapuram (Represented by its Director, Shri. Reghunathan Kunjukrishnan) has been registered in the Department of Mining & Geology under Rule 91 of the Kerala Minor Mineral Concession Rules, 2015 for the production and sale of aggregates of granite (building stones) by operating the machines noted below. The owner of the registered metal crusher unit has been granted quarrying lease in Re - Sy Nos. 470, 472/4-1, 472/4-1, 474/1-1, 472/5, 472/6, 474/1, 474/1-2 of Manickal Village & Re - Sy. Nos. 29/2, 29/3, 30/4 of Thekkada Village, Nedumangad Taluk, Thiruvananthapuram District for the extraction of granite (building stones) to be used in the crusher unit.

Number and Description of Machines /Jaw Crusher units for which consolidated royalty is to be paid:	Cone Crusher (225HP) - 1No. (One only)
The particulars of the other machines, if any, used for crushing granite (building stone), in the crusher unit	Primary Crusher: (44" x 32") - 1 No. (one only) VSI (300HP) - 1 No. (one only)
Particulars of quarrying leases based on which registration is granted	Pro. Order No. 98/2011-12/3499/M3/2011 dated. 20/05/2011 of the Director of Mining & Geology. [Rectification Order No. 362/2018-19/3499/M3/2011 dated. 14/08/2018 of the Director of Mining & Geology]

This registration will be in force for the period from 05-04-2019 to 31-03-2020.

Conditions for Registration

The registration certificate shall be displayed in a prominent place in a part of the premises open to the public.

The owner of the registered metal crusher unit shall comply with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Kerala Minor Mineral Concession Rules, 2015 and all other orders issued by the competent authority in this regard from time to time.

g



62

Annexure A6
21

The owner of the registered metal crusher unit shall display in a prominent place in a part of the premises the true list of granite aggregates offered for sale by them.

Dated this the 5th day of April 2019

Sd/-

T. K. Ramakrishnan

Additional Director of Mining & Geology

Seal of the Competent Authority

To:

✓ M/s. Covenant Stones Private Limited,
Trinity Hill, Naruvamood. P. O, Thiruvananthapuram
(Represented by its Director, Shri. Reghunathan Kunjukrishnan)

Copy to:

The Geologist, District Office, Thiruvananthapuram
Stock File, File

(Chalan No. KL000240575201920M dated 05/04/2019 for Rs. 16,00,000/- remitted at Sub. Treasury, Kudappanakunnu, Thiruvananthapuram)

(By Order)

Handwritten signature
05/04/2019

Senior Superintendent



Handwritten signature

63

Annexure A6
22

Certificate

The lessee has to remit an amount of Rs. 16,00,000/- (Rupees sixteen lakhs only) being the consolidated royalty for one year. They have opted for payment in full amount of Rs. 16,00,000/- (Rupees sixteen lakhs only). They are eligible for movement permit for the period from 05/04/2019 to 31/03/2020.

Full
05/04/2019

6 Additional Director of Mining & Geology



Imp

64 Annexure A6
23

Directorate of Mining & Geology,
Kesavadasapuram, Pattom Palace.P.O.,
Thiruvananthapuram - 4.
Tel/Fax : 0471-2447429
e-mail: director.dir.dmg@kerala.gov.in
www.dmg.kerala.gov.in

No. 3158/M3/2020

Dated : 15/05/2020

From

The Director of Mining & Geology

To

M/s. Covenant Stones Private Limited,
Trinity Hill, Naruvamood. P. O, Thiruvananthapuram
(Represented by its Director, Shri. Reghunathan Kunjukrishnan)

Sir,

Sub: Mines & Minerals-Minor Minerals-KMMC Rules 2015 & Kerala Minerals
(PIMS&T) Rules, 2015-Registration of Metal Crusher Unit owned by
M/s. Covenant Stones Private Limited, Trinity Hill, Naruvamood. P. O,
Thiruvananthapuram (Represented by its Director, Shri. Reghunathan
Kunjukrishnan) -reg.

Ref: 1. Lr. No. 360/DOT/ML/2020 dtd. 12/03/2020 of the Geologist, District
Office, Thiruvananthapuram
2. Reg. No. 92/2020-21/RMCU/TVM/3158/M3/2020 dtd. 15/05/2020

I am forwarding herewith the Registration Certificate issued in FORM-L of the KMMC Rules 2015 to M/s. Covenant Stones Private Limited, Trinity Hill, Naruvamood. P. O, Thiruvananthapuram (Represented by its Director, Shri. Reghunathan Kunjukrishnan) for the financial year 2020-21 based on your application for opting Consolidated Royalty Payment System. In order to obtain movement permits and mineral transit passes for transporting Granite aggregates from the Crusher Unit, you should produce before the Geologist all the documents required under Rule 49 of the KMMC Rules 2015 including **Explosive licence, consent from the Pollution Control Board, D & O licence from the Local Self Government Authorities.** You are exempted from obtaining registration under Kerala Minerals (PIMS&T) Rules, 2015. While obtaining mineral transit passes in Form O(A) or O(B) of Kerala Minerals (PIMS&T) Rules, 2015 you should ensure that the passes contain the particulars stipulated in Rule 26(1) & 26(2) of these rules especially name seal and signature of the issuing authority.

You are also instructed to maintain registers stipulated in these rules and you should submit these registers before the Geologist as and when Movement Permits are issued. You are instructed to submit monthly return in Form-F and Annual statement in Form-G of the KMMC Rules without fail. You are further instructed to maintain a

g
Thrup

65

Annexure A B
2A

Register in the following manner showing the daily production and sales. The particulars in this register should be got verified by the office of the Geologist as and when movement permits are issued.

It is to be noted that though you have opted for Consolidated Royalty Payment System you shall not quarry more quantity of Granite (Building Stone) than the quantity stipulated in the approved plan, in a year.

REGISTER TO BE MAINTAINED BY A LESSEE SHOWING DAILY PRODUCTION AND SALES OF GRANITE BUILDING STONE.

Name of Lessee :
Lease No :
Registration No. (Revised) allotted to Metal Crusher Unit :

Date	Opening balance in tonnes	Quantity produced in tonnes	Total	Quantity sold in tonnes	Mineral Transit pass on issued Sl.No: ---- to ----	Closing balance in [MT]	Signature of the lessee
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

If you deviate from the instructions given above, this office will be forced to cancel the Registration granted to your Metal Crusher Unit.

YOU SHOULD REMIT DMF AS PER RULES, AS DEMANDED BY THE GEOLOGIST.

Yours faithfully
[Signature]
15/05/2020

DIRECTOR OF MINING & GEOLOGY (I/C)

Copy to:-

The Geologist, District Office, Thiruvananthapuram
(for information and follow up actions)



[Handwritten signature]

REGISTRATION CERTIFICATE ISSUED TO A REGISTERED METAL CRUSHER UNIT

Registration No. 92/2020-21/RMCU/TVM/3158/M3/2020

Dtd. 15 /05/2020

The Metal Crusher Unit situated in Re - Sy. No. 470 of Manickal Village, Nedumangad Taluk, Thiruvananthapuram District and owned by M/s. Covenant Stones Private Limited, Trinity Hill, Naruvamood. P. O, Thiruvananthapuram (Represented by its Director, Shri. Reghunathan Kunjukrishnan) has been registered in the Department of Mining & Geology under Rule 91 of the Kerala Minor Mineral Concession Rules, 2015 for the production and sale of aggregates of granite (building stones) by operating the machines noted below. The owner of the registered metal crusher unit has been granted quarrying lease in Re - Sy Nos. 470, 472/4-1, 472/4-1, 474/1-1, 472/5, 472/6, 474/1, 474/1-2 of Manickal Village & Re - Sy. Nos. 29/2, 29/3, 30/4 of Thekkada Village, Nedumangad Taluk, Thiruvananthapuram District for the extraction of granite (building stones) to be used in the crusher unit.

Number and Description of Machines /Jaw Crusher units for which consolidated royalty is to be paid:	Cone Crusher (215HP) - 1No. (One only)
The particulars of the other machines, if any, used for crushing granite (building stone), in the crusher unit	Primary Crusher: (44" x 32") - 1 No. (one only) VSI (268HP) - 1 No. (one only)
Particulars of quarrying leases based on which registration is granted	Pro. Order No. 98/2011-12/3499/M3/2011 dated. 20/05/2011 of the Director of Mining & Geology. [Rectification Order No. 362/2018-19/3499/M3/2011 dated. 14/08/2018 of the Director of Mining & Geology]

This registration will be in force for the period from 15-05-2020 to 31-03-2021.

Conditions for Registration

The registration certificate shall be displayed in a prominent place in a part of the premises open to the public.

The owner of the registered metal crusher unit shall comply with the provisions of the Mines and Minerals (Development and Regulation) Act,1957 and the Kerala Minor Mineral Concession Rules, 2015 and all other orders issued by the competent authority in this regard from time to time.

✓

mp

67

Annexure A6
26

The owner of the registered metal crusher unit shall display in a prominent place in a part of the premises the true list of granite aggregates offered for sale by them.

Dated this the 15th day of May 2020

Sd/-

Dr. C. K. Baiju

Director of Mining & Geology (I/C)

Seal of the Competent Authority

To:

M/s. Covenant Stones Private Limited,
Trinity Hill, Naruvamood. P. O, Thiruvananthapuram
(Represented by its Director, Shri. Reghunathan Kunjukrishnan)

Copy to:

The Geologist, District Office, Thiruvananthapuram
Stock File, File

(Chalan No. KL000324471202021M dated 07/05/2020 for Rs. 16,00,000/- remitted at Sub. Treasury, Kudappanakunnu, Thiruvananthapuram)

(By Order)

Handwritten signature
15/05/2020

Senior Superintendent



Handwritten signature

68

Annexure A6
27

Certificate

The lessee has to remit an amount of Rs. 16,00,000/- (Rupees sixteen lakhs only) being the consolidated royalty for one year. They have opted for payment in full amount of Rs. 16,00,000/- (Rupees sixteen lakhs only). They are eligible for movement permit for the period from 15/05/2020 to 31/03/2021.

Rs. 16 lakhs

[Signature]
Director of Mining & Geology (I/C)

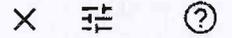


This is the true copy of document
marked as ANNEXURE A6 referred
in the above case.

[Signature]
ADVOCATE



in:sent



1 e

Compose

Starred

Snoozed

Important

Sent

Drafts 204

Meet

New meeting

Join a meeting

Hangouts



No recent chats
Start a new one

Additional Objection in OA No.155/2020



Philip J Vettickattu <philipjvettickattu@gmail.com>

5:30 PM (0 minutes ago)

to vijeeshvembayam, secy-moef, seacseiaakerala, director.dir.dmg

Additional Objection in OA 155 of 2020.pdf



Additional Objectio...
Not virus scanned

Reply

Reply all

Forward

Presented on: 15-02-2022

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONAL BENCH, CHENNAI**

O.A.No. 155 OF 2020

Applicant : Vijeesh Kumar

Vs...

Respondents : Union of India & others

**ADDITIONAL OBJECTION FILED ON BEHALF OF THE 3RD RESPONDENT TO
THE SUPPLEMENTARY REPORT OF THE JOINT COMMITTEE**

**PHILIP J.VETTICKATTU
COUNSEL FOR THE 3RD RESPONDENT**