

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
(SOUTHERN ZONE BENCH, CHENNAI)  
IN  
ORIGINAL APPLICATION NO. 155 OF 2020 (SZ)**

**REPORT SUBMITTED BY THE DIRECTOR OF MINING AND  
GEOLOGY/4<sup>TH</sup> RESPONDENT**

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Dated at Chennai on this the 05<sup>th</sup> day of May, 2022.

**M/s. E.K.KUMARESAN**

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

I/198275/2022

(1)

**REPORT SUBMITTED BY THE DIRECTOR OF MINING AND GEOLOGY (4<sup>th</sup> RESPONDENT) BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL IN O.A. No.155/2020 FILED BY Shri. VIJEESH KUMAR**

It is most humbly stated that M/s. Covenant Stones Pvt. Ltd. was granted two quarrying leases in the averred area. Quarrying Lease for extraction of Granite Building Stone was granted vide order No. 98/2011-12/3499/M3/2011 dated 20. 05. 2011 for an area of 5.7782 hectares in resurvey nos. 29/3, 29/2, 30/4 in Thekkada village and resurvey nos. 470, 472/4-1, 472/5, 472/6, 474/1, 474/1-2, 474/1-1 in Manikkal village confined in Nedumangad taluk and the lease will be expiring on 24/06/2023 . The second lease for the extraction of Granite Dimension Stone was granted for an area of 2.4270 hectares in resurvey nos. 469/4-3-4, 4-3-3, 4-2, 4-1-1, 4-1-2, 4-1-3 in Manikkal village vide order no. 373/2015-16/1723/M3/2015 dated 19. 08. 2015. The Quarrying Lease for Granite Dimension Stone had expired on 21. 08. 2020.

In the order dated 19. 08. 2020 in O.A. No. 155/2020, the Honourable National Green Tribunal had appointed a Joint Committee comprising of a Senior Officer of Ministry of Environment, Forests & Climate Change (MoEF & CC), Bangalore, a Senior Officer from State Environment Impact. Assessment Authority (SEIAA), Kerala, a Senior Officer from the Directorate of Mining and Geology, Thiruvananthapuram, a Senior Officer from National Centre for Earth Science Studies, Thiruvananthapuram, and a Senior Scientist from Kerala State Pollution Control Board, to inspect the quarry and submit a status as well as action taken report if there is any violation found including assessment of environmental compensation. Accordingly a Senior Officer from the Directorate of Mining and Geology was nominated as the Joint Committee member. He had visited the quarry of M/s. Covenant Stones Pvt. Ltd. on 02. 11. 2020 along with the Joint Committee and had submitted an inspection report. During the site inspection it was noticed that the lessee had done illegal mining from outside the permitted lease area. It may be noted that the lessee has been penalized before for violation of provisions of Kerala Minor Mineral Concession (KMMC) Rules, 2015. The compounding details pertaining to M/s. Covenant Stones Pvt. Ltd., Katta, Vembayam is given below:

1. An amount of Rs. 25000/- was realized for illicit extraction of 1250 MT of Granite Building Stone without any valid mineral concession, at the time inspection for grant of Quarrying Lease during 2011.
2. An amount of Rs. 14,65,000/- was realized for illicit extraction of 20000MT of Granite Building Stone from the safety zone (buffer areal and outside the lease area as per inspection conducted on 05.05.2018

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3. An amount of Rs. 86,907/- was realized on 28.07.2019 for illicit extraction of 998.708 MT of Granite Building Stone with respect to Dealers License issued to M/s. Covenant Stone.
4. An amount of Rs. 44,99,080/- was demanded for extracting 62140 MT in excess of the mining plan quantity during the financial year 2015-16 of this only Rs. 25,05,900 was remitted and the rest has to be realized vide revenue recovery.
5. Based on the report dated 25.01.2020 of the RQP, an amount of Rs. 52,04,950/- was realized from the lessee for illegal extraction of 30385 MT of Granite Building Stone from outside the lease area and 41558.75 MT from the safety zone (buffer area).
6. An amount of Rs. 6,71,99,420/- was demanded for illicit extraction of 932978 MT of Granite Building Stone vide revised demand dated 15.09.2020. On non-remittance of the amount by the lessee, a requisition for revenue recovery was forwarded to the District Collector. Against this the company preferred an appeal petition before the Government and the appeal was disposed of vide GO (Rt) No. 788/2021/ID dated 29.07.2021 directing the District Geologist, Thiruvananthapuram, to issue proceedings afresh to M/s Covenant Stones 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 the extraction of mineral and the quantity of minor mineral extracted as per the record, after issuing a proper notice to the appellant. That process is under progress.
7. An amount of Rs. 21,72,040/- has been demanded for illicit extraction of 3570 MT of Granite Building Stone mined from the common boundary and 262.5 MT of Granite Dimension Stone mined from the safety zone (buffer area) vide demand dated 31.08.2021. The process for realizing the amount is also progressing.

On 07.03.2020 SEIAA had requested this respondent to enquire about the allegations against M/s. Covenant Stones Pvt. Ltd. that the company had committed frauds/irregularities while submitting a modified mining plan at the time of seeking extension of environmental clearance. The District Geologist, Thiruvananthapuram, submitted a detailed report in the matter and recommended that the case be handed over to police authorities as there was *prima facie* evidence of forgery and conspiracy. Thus a complaint was filed in Pettah Police Station, Thiruvananthapuram by this respondent based on the report of the Geologist, District Office, Thiruvananthapuram and the investigation is underway. A copy of the report dated 08.06.2019 of the Geologist, District Office, Thiruvananthapuram, is attached herewith as Annexure-1.

It is stated that the quarry of M/s. Covenant Stones Pvt. Ltd. is nonfunctional at present. On 07.03.2020, Tahsildar, Nedumangad, issued a stop memo to the said quarry when it was found that the lessee was illegally transporting granite and granite aggregates without valid mineral transit passes thereby violating the provisions of Kerala Minerals (Prevention of Illegal Mining, Storage & Transportation) Rules, 2015.

It is brought to the attention of the Honourable National Green Tribunal that the office of this respondent is not competent enough to assess the environmental damage caused by illegal mining activities of the lessee. At present, the mining activities are stopped in the averred area. Mining operations cannot be resumed in the quarry unless and until all sums due to the Government have been realized from the lessee.

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

Dated this on the 17th day of March, 2022

Signature Not Verified

Digitally signed by S:HARIKISHORE IAS

Date: 2022.03.29 17:12:00 IST

Reason: Approved

DIRECTOR OF MINING AND GEOLOGY

3485/D07/ML/2019

Department of Mining and Geology  
District Office, Kesavadasapuram  
Pattom Palace P O,  
Thiruvananthapuram  
email: geo.thi.dmg@kerala.gov.in  
Phone: 0471-2442055  
Dated: 08.06.2019

From  
Geologist  
Thiruvananthapuram  
To  
The Director  
Mining and Geology  
Thiruvananthapuram

Sir,

Sub: Mines and Minerals- Minor Mineral-Complaint against M/S Covenant stones Pvt  
Ltd-report forwarding-reg

- Reg: 1. That office letter No. 2988/M4/2020 dated 01.06.2020  
2. Letter No. 1422/ECI/2019/SEIAA dated 07.03.2020 of SEIAA  
3. Judgment dated 21.05.2020 in WP No.10035 of 2020

Kind attention is invited to the reference cited above. The SEIAA vide letter under reference 2<sup>nd</sup> above requested Director of mining and Geology to enquire about the allegations levelled against M/S Covenant Stones Pvt Ltd that the company has committed certain frauds/irregularities while submitting revised mining plan at the time of seeking extension of environmental clearance. The letter says that in the complaint filed by one Sri Sakeer Hussain it is alleged that mining plan for the period 2013-14 to 2017-18 has been duplicated by just replacing the mining plan period to 2015-16 to 2019-2020 in the cover page. It is reported that the same complaint has also been received by the undersigned a few months back and enquiry in this

conspicuous and need to be enquired. However it is a fact that a mining plan prepared for the period 2013-14 to 2017-18 exists and the same is submitted before SEIAA.

In the files pertaining to renewal of EC submitted before SEIAA, it is observed that a mining plan approved for the period 2015-16 to 2019-2020 is enclosed. The same was also found approved on 29.04.2015 ( identical to that in 2013-14). It is noticed that this mining plan is available in the District Office and uploaded in the KOMPAS website. It is reported that the plan period expired on 2020 March and the company had placed a new scheme of Mining for the remaining period for approval.

It is pointed out that both the mining plans prepared for an area of 8.9637 Ha for two different periods is identical in nature except the entries in tables and in the covering sheet. While preparing the plan for 2015-16 to 2019-20 only the respective years in 2013-14 plans are modified without changing the production and other details. No recalculation of reserves is carried out in the new plan based on the production during 2013-14 and 2014-15. For easy understanding, production proposed and stated in the two different plans submitted is produced hereunder.

2013-14 Plan-ROM in MT			2015-16 plan-ROM in MT		
Year	Dimension Stone	Building stone	Year	Dimension Stone	Building Stone
1 <sup>st</sup> year 2013-14	9,000	85,500	1 <sup>st</sup> year 2015-16	9,000	85,500
2 <sup>nd</sup> year 2014-15	25,000	2,37,500	2 <sup>nd</sup> year 2016-17	25,000	2,37,500
3 <sup>rd</sup> year 2015-16	30,000	2,85,000	3 <sup>rd</sup> year 2017-18	30,000	2,85,000
4 <sup>th</sup> year 2016-17	30,000	2,85,000	4 <sup>th</sup> year 2018-19	30,000	2,85,000

From the aforesaid table it is obvious that data in 2013-14 plan is adopted as such in 2015-16 plan without taking in to account the production during 2013-14 and 2014-15.

It is reported that before going for physical verification of the documents submitted before SEIAA, this office conducted a hearing of the company authorities and the complainant , Sri. Biju on 20.05.2020.

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regard has been conducted. The quarrying lease holder's representative and one of the complainant was personally heard and also made efforts to gather evidences from SEIAA. Though a notice was served to RQP, who had prepared the mining plan in question, for a personal hearing, he forwarded a reply stating that he could not turn up due to the present Covid restrictions. The outcome of enquiry conducted by this office and recommendations is narrated hereunder.

It is stated that M/S Covenant Stones Pvt Ltd was granted a quarrying lease in an area of 5.7782 Ha of land confined in Re SY No. 29/3, 29/2, 30/4 of Thekkada village and Re Sy No. 470, 472/4-1, 474/1-1, 474/1, 474/1-2, 472/5,6 of Manikkal village in Nedumangad taluk vide order No. 98/2011-12/3499/M3/2011 dated 20.05.2011, under the provisions in the erstwhile KMMC Rules 1967. The lease holder obtained environmental clearance from SEIAA in the year 2014 vide order No. 237/SEIAA/KL/885/2014. It is a fact that approved mining plan is insisted for minor mineral quarrying only in the year 2015 through the introduction of the newly framed KMMC Rules 2015. (G.O.(P)NO. 16/2015/ID dated 07.02.2015). Until then quarrying operations are conducted in accordance with the conditions in the lease order and other connected licenses.

In connection with this enquiry, the undersigned personally visited SEIAA office on 25.05.2020 and gathered information from the Administrator and connected section heads. It is appraised that prior to year 2015, environmental clearance are granted based on Form I application, Pre- feasibility report and a quarry plan

In the application submitted by M/S Covenant Stones for EC extension in the year 2019 (28.06.2019) the documents attached were Form 6, Form I, Pre- feasibility report and approved mining plan.

When Sri. Sakkir Hussain raised complaint before SEIAA that fraudulent activities/irregularities have been committed by the company in the mining plan while submitting application for extension of EC, SEIAA authorities verified the connected files through which EC was granted in the year 2014 and observed that a mining plan prepared for the period 2013-2014 to 2017 - 18 was enclosed along with other documents. When the undersigned perused the aforesaid mining plan it is observed that in the certificate page, Geologist had approved the same on 29-04-2015, with designation seal and office seal affixed. Also in the entire pages office seal is found affixed. The SEIAA authorities expressed that the reason for submission of this mining plan, when there is no requirement to submit an approved mining plan prior to 2015 is

Sri. Biju Devaraj representative of the company stated that mining plans are prepared by Sri Kantha Raj , RQP and he was not entrusted to prepare a mining plan for the period 2013-14 to 2017-18 since it was not a mandatory document then. The company is functioning in accordance with the mining plan prepared for the period 2015-16 to 2019-20, which was approved on 29.04.2015. Sri. Kantha Raj, RQP is also entrusted to submit the approved mining plan before SEIAA for obtaining EC and the company is not aware of mining plan if any prepared for the year 2013-14 to 2017-18. It is requested that since the complainant has submitted the complaint enclosing official documents which were not obtained under RTI, necessary enquiry may be conducted with the help of police/vigilance authorities to bring out the conspiracy involved.

Advocate Ajith Kumar represented Sri. Biju, the complainant and submitted that as per his knowledge, the company placed a mining plan before the District office in the year 2013. While submitting application for extension of EC, the company authorities has manipulated the data and replaced the cover page of the mining plan prepared for the year 2013-14 with 2015-16 to 2019-20. It was stated that the complainant had obtained the official documents from a social worker residing near the alleged quarry . It was requested that necessary steps shall be taken to assess the illegal excavations carried out by the lease holder and also to conduct enquiry about the blasting being done these years without a proper blasting license. A further request was made to advert the matter for a vigilance/police enquiry.

It is reported that the section clerk of this office Sri. Jayachandran had stated that he is not aware of a mining plan prepared and submitted for the year 2013 and no file exists with regard to the approval issued in the year 2015. He further stated that mining plan available in the KOMPAS portal in the one approved in the year 2015 by the then Geologist Sri. Jyothishkumar

Based on the afforested discussions, documents verified and the inputs received from the SEIAA authorities, the following inference is made.

Inference

Mining plan for minor mineral quarries is insisted only in the year 2015 when the newly framed KMMC Rules 2015 came in to force. Prior to that the District geologist is not empowered to approve mining plans, though prepared for the sake of obtaining EC. The RQP prepared a quarry plan for the period 2013-14 to 2017-18 for submitting before SEIAA for grant of EC. Subsequently when the new rules came in to force the RQP modified the covering sheet and year wise entries in the 2013-2014 plan to suit the requirements for 2015-16 to 2019-20 and submitted the same before the Geologist for approval. It is noted that changes are made only in pages

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where yearly production is explained without altering other contents of the plan. The Geologist in office in the year 2015 approved the same and handed over copies to the lease holder. The RQP submitted this copy along with other documents before the SEIAA in the year 2019 for extension of EC.

Now the question is how the office seal appeared in the plan prepared in the year 2013-14 and also the approval of Geologist(dated 29.04.2015) in the plan prepared on 2013-14. It is relevant to note that for environmental clearance granted prior to 2015, approved mining plan is not necessitated and in such a circumstance, there is absolutely no requirement to place a forged/manipulated mining plan before SEIAA for granting EC

It is stated that the mining plan for the period 2015-16 to 2019-20, approved on 29.04.2015 can only be treated as an official document. Forgery comes when there is manipulation of official documents. There is no question that 2015-16 to 2019-20 mining plan is manipulated. The RQP might have made necessary changes in a quarry plan prepared in the year 2013-14 to suit the necessity in the 2015 rules and submitted before the District Geologist for approval. The lease holder may not be aware about the data manipulations performed by RQP

It is therefore reported that only through a detailed personal hearing of RQP, the whole episode can be brought to daylight.

#### Recommendations

It is obvious that official documents reached public without availing the data under RTI Act. The question how official seal has appeared in 2013-14 to 2017-18 mining plan is also mysterious. In this circumstance it is evident that there exists a conspiracy behind the happenings, which requires an investigation by police authorities. Along with the matter of forgery, the leakage of official documents to general public also need to be enquired. Hence it is reported that necessary steps may be taken to handover the matter to the police authorities for a thorough investigation.

Yours faithfully,

*[Signature]*  
8/6/20  
Geologist