

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

ORIGINAL APPLICATION NO. 155 OF 220 (SZ)

BETWEEN

Vijeesh Kumar, aged 34 years
S/o vidhyadharan,
Shailaija Bhavan, Enthivila, Cheeranikkara P.O.,
Vembayam,
Thiruvananthapuram – 695 615.

...Applicant

AND

Union of India,
Ministry of Environmental, forest and climate Change,
& others

...Respondents

MEMO FILED ON BEHALF OF THE 2ND RESPONDENT

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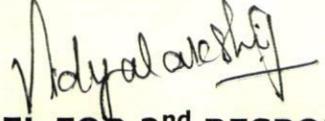
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Dated at Chennai on this 15th day of July, 2022


COUNSEL FOR 2nd RESPONDENT

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1. Union of India,
Ministry of Environmental, forest and climate Change,
Rep. By its Secretary, Indira Paryavaran Bhavan,
Jorbagh Road,
New Delhi – 110 003.
2. State Environment Impact Assessment Authority,
Rep. By its Secretary, Indira Paryaran Bhavan,
Jorbagh Road,
New Delhi – 110 003.
3. M/s Covenant Stones Pvt Ltd.,
Rep.by its Managing Director,
Katta, Cheeranikkara P.O.,
Vembayam, Thiruvananthapuram,
4. The Director of Mining & Geology,
Pattom Palace P.O.Kesavadasapuram,
Thiruvananthapuram – 695 004.

...Respondents

MEMO FILED ON BEHALF OF THE 2ND RESPONDENT

The 2nd Respondent humbly submits as follows:

1. That the present Original Application is filed by the Applicant herein for the following relief:

i) To the 1st respondent to take immediate measures to assess the damages that have caused on account of the illegal quarrying operation being carried out by the 3rd respondent based on EC issued on 27.11.2014 and renewed on 10.12.2019 and to pass necessary orders under Section 5 of Environment (Protection) act, 1986 to recover the same from the 3rd respondent and its officers responsible and prosecute them in accordance with the law.

(ii) To the 1st respondent to pass necessary orders invoking its power under Section 5 of the Environment (Protection) Act, 1986 calling for the application made by the 3rd respondent for the issuance of environmental clearance and pass orders in accordance with law.

(iii) Pass an order directing the 1st respondent delegating the powers under Section 23 of the Environment (Protection) Act, 1986 to the police officers or such other officers which this Hon'ble Tribunal thinks fit and necessary in the circumstances of the case to prosecute persons who do illegal operations in gross violation of the Environmental Clearance granted to them.

(iv) Pass an order directing the respondents 2 and 4 to prosecute the officers who are responsible for submitting false or forget or illegal documents for obtaining and renewing environmental clearance on behalf of the 3rd respondent company.

(v) Direct the 1st respondent to initiate criminal prosecution against the officers responsible in the 3rd respondents' institutions for violations of the provisions of the environmental legislation.

(vi) Pass such further or orders as this Hon'ble Tribunal may deem fit and necessary in the interest of justice."

2. That this Hon'ble Tribunal in its order dated 19.08.2020 constituted a Joint Committee comprising of (1) a Senior Officer from the Regional Office, Ministry of Environment, Forest and Climate Change (MoEF&CC), (2) a Senior Officer from State Level Environment Impact Assessment Authority (SEIAA), Kerala 3) a Senior Officer from the Director of Mining and Geology, Thiruvananthapuram, (4) a Senior Officer from National Centre for Earth Science Studies, Thiruvananthapuram, Kerala and (5) a Senior Scientist from Kerala State Pollution Control Board, to inspect the quarry in question and submit a status as well as action taken report if there is any violation found including assessment of environment compensation. The Joint Committee was also directed to comply with various other directions and nominated SEIAA i.e., this Respondent as a nodal agency for coordination.

3. That in compliance of the above direction of this Hon'ble Tribunal, the departments had nominated its members to be a part of the Joint Committee, which are as follows:-

SL.NO.	NAME OF THE OFFICER	DESIGNATION	DEPARTMENT
i	Shri.G.Sankar	Member	SEAC, Kerala
ii	Dr.S.Prabhu	Scientist C	MoEF&CC, Regional Officer, Bangalore
iii	Shri. Harees	Environmental Engineer	KSPCB
iv	Shri M.M. Vahab	Geologist	Directorate of Mining and Geology
v	Dr.A.Krishnakmar	Scientist D	NCESS, Akkulam

4. That the above members of the Joint Committee filed a detailed report dated November 2020 based on a site inspection and the said report was considered by this Hon'ble Tribunal in its order dated 16.03.2021 and directed the Joint Committee to assess the environmental compensation as per the methodology laid down in the said order dated 16.03.2021.

5. That in compliance of the above direction of this Hon'ble Tribunal, the Joint Committee assessed the damage caused to the environment by the Project Proponent and also assessed the environmental compensation and filed its Supplementary Report dated August 2021.

6. That this Hon'ble Tribunal in its order dated 24.08.2021 considered the above Supplementary Report of the Joint Committee and directed the parties to file their objection if any.

7. That the Project Proponent i.e., the 3rd Respondent herein filed objections to the Report and Supplementary Report of the Joint Committee, before this Hon'ble Tribunal and the same were considered by this Hon'ble Tribunal in its order dated 30.05.2022 and directed the Joint Committee to consider the objections of the 3rd Respondent, besides issuing various other directions to be complied with.

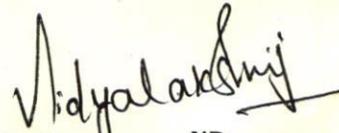
8. That the members nominated by SEIAA, KSPCB and Department of Mining and Geology, are not in a position to be a part of the Joint Committee for various reasons such as superannuation and transfer, hence it is not possible to comply with the further direction of this Hon'ble Tribunal, before the next hearing date i.e., 20.07.2022.

9. That there is no wilful disobedience on the part of the Joint Committee in complying with the directions of this Hon'ble Tribunal and the same is for the reasons stated supra.

10. That the members will be replaced in the Joint Committee by the concerned departments at the earliest and the direction of this Hon'ble Tribunal will be complied with in letter and spirit.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to record the above memo and grant further time till September 2022 to comply with the directions of this Hon'ble Tribunal in the above Original Application and thus render justice.

Dated at Chennai on this the 15th day of June, 2022



COUNSEL FOR THE 2ND RESPONDENT