

Presented on: 16-08-2022

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

APPLICANT

- VIJEESHKUMAR

Vs....

RESPONDENTS

- UNION OF INDIA AND OTHERS

**OBJECTION FILED BY THE 3rd RESPONDENT TO THE REPORT
DATED 17/3/2022 SUBMITTED BY THE DIRECTOR OF MINING AND
GEOLOGY/4TH RESPONDENT.**

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

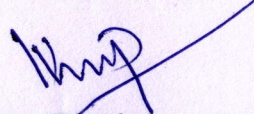
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
ORIGINAL APPLICATION NO.155/2020**

APPLICANT - VIJEESHKUMAR
Vs....
RESPONDENTS - UNION OF INDIA AND OTHERS

I N D E X

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.....
Dated this the 16th day of August, 2022.


Counsel for the Petitioner

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN
ZONE BENCH, CHENNAI)

ORIGINAL APPLICATION NO.155/2020

APPLICANT

- VIJEESHKUMAR

Vs....

RESPONDENTS

-UNION OF INDIA AND OTHERS

**OBJECTION FILED BY THE 3rd RESPONDENT TO THE REPORT
DATED 17/3/2022 SUBMITTED BY THE DIRECTOR OF MINING AND
GEOLOGY/4TH RESPONDENT.**

1. I am the Director of M/s.Covenant Stones Pvt. Ltd., the 3rd respondent in the above Original Application. The 4th respondent had filed a report before this Hon'ble Tribunal, which contains incorrect and misleading facts and therefore, it is become necessary to file this objection to the same.
2. The allegation that 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 – 2016 and out of the said total amount, only an amount of Rs.25,05,900 was remitted is incorrect. The report to that effect is submitted by not disclosing the true facts. It is submitted that the respondent herein was issued with a demand notice for Rs.44,99,080/-. True copy of the said demand notice dated 8-5-2020, is produced herewith and marked as **Annexure R3(7)**.
3. Since this respondent could not gather such amount in a lumpsum, this respondent requested for paying the same in installments. The respondent herein was permitted to remit the said amount in 8 instalments. The respondent could remit an amount of Rs.25,05,900/- in 4 installments and due to severe financial constraints, this respondent could not remit the remaining amount.
4. However, this respondent, approached the Hon'ble High Court of Kerala, for instalment facility, by filing W.P.(c) No.6106/2022 and the



For Covenant Stones Pvt. Ltd.

[Handwritten Signature]

Director

- Hon'ble High Court, vide Judgment dated 14-3-2022, permitted this respondent to remit the remaining amount with interest in 6 monthly instalments. True copy of the Judgment dated 14-3-2022 in W.P.(c) No.6106/2022 is produced herewith and marked as **Annexure R3(8)**.
5. It is pertinent to notice that, the Director Mining & Geology was a party to the said judgment. Still later, the respondent herein had remitted the amount in installments strictly in accordance with the direction passed by the Hon'ble High Court.
6. As per the judgment, the 3rd respondent is permitted to remit the remaining amounts with interest in 6 equal monthly installments. The 3rd respondent remitted the 1st installment amount on 07/04/2022.
7. A true copy of the covering letter along with the challan showing the remittance of the 1st installment amount of Rs.8,87,450/- on 7/4/2022 is produced herewith and marked as **Annexure R3(9)**.
8. True copy of the covering letter along with the challan showing the remittance of the 2nd installment amount of Rs.3,74,922/- on 7/4/2022 is produced herewith and marked as **Annexure R3(10)**.
9. True copy of the covering letter dated 30-5-2022 along with the challan showing the remittance of the 3rd installment amount of Rs.3,74,922/- on 28/5/2022 is produced herewith and marked as **Annexure R3(11)**.
10. True copy of the covering letter, dated 1-7-2022 along with the challan showing the remittance of the 4th installment amount of Rs. 3,91,193/- on 1/7/2022 is produced herewith and marked as **Annexure R3(12)**.
11. True copy of the covering letter dated 21-7-2022 along with the challan showing the remittance of the 5th installment amount of Rs.3,79,852- on 21//7/2022 is produced herewith and marked as **Annexure R3(13)**.



For Covenant Stones Pvt. Ltd.

[Handwritten Signature]

Director

12. It is submitted that the 3rd respondent had remitted 5 installments till now and only one installment is pending as per Judgement dated 14/3/2022 in WP© No.6106/2022.
13. The respondent could remit an amount of Rs.24,08,339/- in 5 instalments and for remitting the 6th/last installment, this respondent had already applied for issuance of chellan and the same is pending. As per Annex.R3(8) Judgment, the 6th instalment falls due on 18-9-2022.
14. It is submitted that averment in the report regarding the issuance of demand notice dated 07/09/2021 for a total amount of Rs.21,72,040/- by way of royalty, price and fine with respect to the alleged excavation of 3570 MT of GBS from the common boundary and 262.5MT of Granite dimension stone mined from the buffer zone is not correct.
15. It is submitted that, the demand notice is absolutely illegal, arbitrary and not sustainable either in law or on facts. It was issued without affording any opportunity of being heard to the 3rd respondent. In such circumstances, issuance of demand notice is in utter violation of the principles of natural justice and therefore, **void ab initio** and **non-est** in the eye of law.
16. Hence, the 3rd respondent had submitted petition before the District Geologist on 20/9/2021, Trivandrum to review and recall the order dated 7/9/2021 and for grant of an opportunity of hearing.
17. True copy of the petition submitted by the 3rd respondent before the District Geologist Mining & Geology Department, Trivandrum is produced herewith and marked as **AnnexureR3(14)**. No orders have been passed on the same, yet.
18. It is submitted that, the 3rd respondent had given a detailed explanation in the Additional Counter Affidavit filed with respect to the



For Covenant Stones Pvt. Ltd.

For signature

Director

allegations raised against the company that the Company had committed fraud and irregularities while submitting a modified mining plan at the time of seeking extension of Environmental Clearance the same may be treated as part of this affidavit.

19. 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 16th day of August, 2022.



For Covenant Stones Pvt. Ltd.

[Handwritten Signature]

Director

3rd respondent

VERIFICATION

I, K.C.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 objection are true and correct and that I have not suppressed any material facts.

Dated this the 16th day of August, 2022.



For Covenant Stones Pvt. Ltd.

[Handwritten Signature]

3rd respondent

Director

[Handwritten Signature]

Counsel for the R3

രജിസ്ട്രേഷൻ

നമ്പർ : 3455/ഡിഒറി/എംഎൽ/2019

മൈനിംഗ് & ജിയോളജി വകുപ്പ്
ജില്ലാ ഓഫീസ്, തിരുവനന്തപുരം
കേശവദാസപുരം, പട്ടം പാലസ് പി.ഒ.,
email : geo.thl.dmg@kerala.gov.in
Phone: 0471-2442055
തീയതി : 08.05.2020

ഡിമാന്റ് നോട്ടീസ്

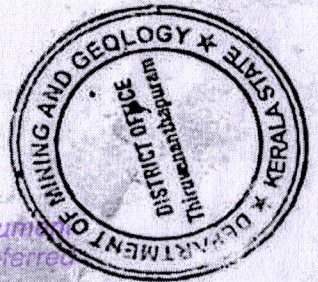
വിഷയം:- മൈനിംഗ് & ജിയോളജി - ഖനിയും ഖനിയുണ്ടാകും - ചെറുകിട ധാതു -
കരിങ്കല്ല് - ക്വാറിയിൽ ലീസ്- മൈനിംഗ് പ്ലാൻ വ്യവസ്ഥ ലംഘിച്ച് ഖനനം
നടത്തിയത്- വിശദീകരണം ആവശ്യപ്പെടുന്നത് - സംബന്ധിച്ച്.

- സൂചന:-
1. Pro.order No. 98/2011-12/3499/M3/2011 Dtd 20.05.2011
 2. 2015-ലെ കേരള മൈനർ മിനറൽ കൺസഷൻ ചട്ടങ്ങൾ
 3. 08.05.2020 തീയതിയിലെ മേൽ നമ്പർ കാരണം കാണിക്കൽ നോട്ടീസ്
 4. താങ്കളുടെ 08.05.2020 ലെ മറുപടി

മേൽ സൂചനകൾ ശ്രദ്ധിക്കുക. നെടുമങ്ങാട് താലൂക്കിൽ തേക്കട വില്ലേജിൽ റീസർവ്വെ നമ്പർ 29/3, 29/2, 30/4, 30/5 ലും മാണിക്കൽ വില്ലേജിൽ റീസർവ്വെ നമ്പർ 474/1-1, 474/1, 474/1-2, 472/6, 474/1-1, 475/9 ൽപെടുന്നതുമായ സ്ഥലത്ത് സൂചന (1) പ്രകാരം ക്വാറിയിൽ ലീസ് അനുവദിച്ചിരിക്കുന്ന സ്ഥലത്ത് നിന്നും 2015-16 സാമ്പത്തിക വർഷം 147640 മെട്രിക് ടൺ കരിങ്കല്ല് നീക്കം ചെയ്തതായി കണ്ടിരുന്നു. എന്നാൽ അംഗീകരിച്ച mining plan പ്രകാരം 85500 മെട്രിക് ടൺ കരിങ്കല്ല് നീക്കം ചെയ്യാൻ അനുമതിയുണ്ടായിരുന്നത്. ആകയാൽ ടി കാലയളവിൽ 62140 മെട്രിക് ടൺ കരിങ്കല്ല് അധികൃതമായി നീക്കം ചെയ്തതായി ബോധ്യപ്പെടുകയും ആയതിന്മേൽ വിശദീകരണം ആവശ്യപ്പെട്ട് സൂചന (3) ആയി നൽകിയ നോട്ടീസിന് സൂചന (4) ആയി ലഭ്യമാക്കിയ മറുപടിയിൽ പെനാൽറ്റി തുക ഒടുക്കുന്നതിന് സമ്മതം അറിയിച്ചിരുന്നു. ടി സാഹചര്യത്തിൽ താങ്കൾ അനധികൃതമായി ഖനനം ചെയ്ത 62140 മെട്രിക് ടൺ കരിങ്കല്ല് നോട്ടീസിന്, വില, പിഴ ഇനത്തിൽ ₹44,99,080/- ഈ നോട്ടീസ് കൈപ്പറ്റി 7 ദിവസത്തിനുള്ളിൽ ഓഫീസിൽ ഹാജരായി ചെയ്യാൻ കൈപ്പറ്റി ട്രഷറിയിൽ ഒടുക്കി അസൽ ചെയ്യാൻ ഹാജരാക്കേണ്ടതാണ്. അല്ലാത്ത പക്ഷം താങ്കളിൽ നിന്നും ടി തുക റവന്യൂ റിക്കവറി നടപടിയിലൂടെ ഈടാക്കുന്നതാണ്.

[Handwritten Signature]
ജിയോളജിസ്റ്റ്

To
M/S Covenant Stones Pvt Ltd
Trinity Hills
Poovada, Naruvamoodu P.O., Tvm-20



This is the true copy of document marked as EXHIBIT P2 referred in the above case.

ADVOCATE

Exhibit R3(8)



IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 14TH DAY OF MARCH 2022 / 23RD PHALGUNA, 1943

WP(C) NO. 6106 OF 2022

PETITIONER:

COVENANT STONES PVT LTD.
KATTA, CHEERANIKKARA P.O., VEMBAYAM,
THIRUVANANTHAPURAM, REPRESENTED BY ITS DIRECTOR
SRI.K.C.RAMACHANDRAN.

BY ADVS.
PHILIP J.VETTICKATTU
SAJITHA GEORGE
NEENU BERNATH

RESPONDENTS:

- 1 THE JUNIOR SUPERINTENDENT
NEDUMANGAD TALUK OFFICE, NEDUMANGAD, TRIVANDRUM.
- 2 THE DIRECTOR,
DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM,
PATTOM PALACE P.O., KESAVADASAPURAM, TRIVANDRUM-695004.
- 3 THE DISTRICT GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, OFFICE OF THE DISTRICT
GEOLOGIST, DISTRICT OFFICE, , PATTOM PALACE P.O.,
KESAVADASAPURAM, TRIVANDRUM-695004.

VINITHA B-SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



Exhibit R3(2)
2

7

JUDGMENT

This writ petition is filed seeking the following relief:

“Issue a writ of mandamus or any other writ, order or direction directing the respondents to permit the petitioner to remit the remaining amount outstanding with respect to Ext.P2 demand notice in 6 equal instalments.”

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. It is submitted by the learned counsel for the petitioner that the petitioner is a private limited company, which is conducting quarrying operations on the strength of quarrying lease and environmental clearance. It is submitted that a demand notice dated 08.05.2020 had been issued to the petitioner by the 3rd respondent for an amount of Rs.44,99,080/- towards royalty, price and fine in respect to alleged excess extraction of rock. It is submitted that Ext.P3 request had been made by the petitioner seeking permission to pay off the amount in 15 equal monthly instalments. It is submitted that the petitioner had been granted 8 instalments by Ext.P4. The petitioner

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9

Exhibit R3(8)
4

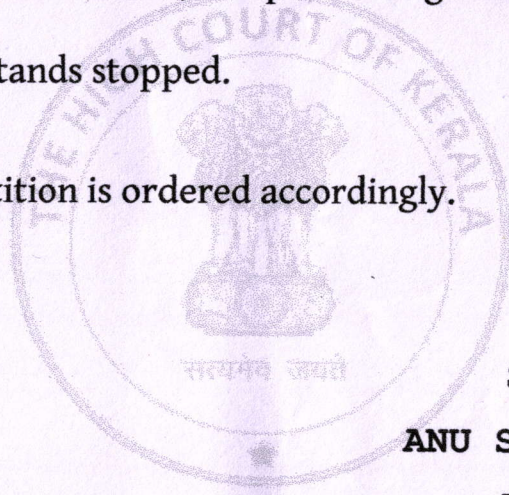
WP(C) NO. 6106 OF 2022

4



the corresponding dates of the subsequent months. In case the petitioner remits the amounts as stated above in instalments as agreed, the further coercive proceedings against the petitioner shall be kept in abeyance. However, it is made clear that in case of default of one instalment as directed above, the proceedings shall continue from the stage at which it stands stopped.

This writ petition is ordered accordingly.



Sd/-

ANU SIVARAMAN

JUDGE

SVP

HIGH COURT OF KERALA

CERTIFIED COPY

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WP(C) NO. 6106 OF 2022

5

APPENDIX OF WP(C) 6106/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF QUARRYING LEASE DATED 23.5.2011 WHICH IS VALID UPTO 22.5.2023.
- Exhibit P2 TRUE COPY OF DEMAND NOTICE DATED 8.5.2020 ISSUED BY THE 3RD RESPONDENT.
- Exhibit P3 TRUE COPY OF REQUEST DATED 12.5.2020 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- Exhibit P4 TRUE COPY OF COMMUNICATION ISSUED BY THE 2ND RESPONDENT PERMITTING THE PETITIONER TO REMIT THE AMOUNT IN 8 MONTHLY INSTALLMENTS.
- Exhibit P5 TRUE COPY OF COVERING LETTER AND CHELAN SHOWING REMITTANCE OF 20% OF THE AMOUNT ON 14.5.2020.
- Exhibit P6 TRUE COPY OF COVERING LETTER AND CHELAN SHOWING REMITTANCE OF 2ND INSTALMENT ON 1.7.2020.
- Exhibit P7 TRUE COPY OF COVERING LETTER AND CHELAN SHOWING REMITTANCE OF 3RD INSTALMENT ON 29.7.2020.
- Exhibit P8 TRUE COPY OF COVERING LETTER AND CHELAN SHOWING REMITTANCE OF 4TH INSTALMENT ON 15.9.2020.
- Exhibit P9 TRUE COPY OF NOTICE ISSUED U/S.17 OF THE REVENUE RECOVERY ACT R/W. SEC.34 DATED 16.8.2021.

This is the true copy of document
marked as EXHIBIT referred
ANNEXURE R3(8)
in the above case.

ADVOCATE

Exhibit R3(9)

Covenant
Stones Pvt Ltd

11

Dated : 08th April 2022.

To,
The Geologist,
Department of Mining & Geology
District Office Trivandrum,
Trivandrum

Sub :- Payment of 1st instalment

Ref :- Judgement from The Hon. High Court of Kerala WP(C) No. 6106 of 2022,
Dated: 14th March 2022.

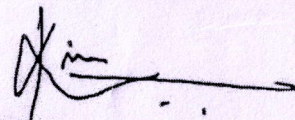
Madam

Based on the reference mentioned, 1st installment royalty, price and fine for GBS for RS 8,87,450/-
has been paid at sub - treasury, medical college with challan No. KL000698337202223M, dated
07th April 2022 is submitted herewith.

Thanking You

Yours Faithfully,

For, M/S COVENANT STONES PVT LTD.,



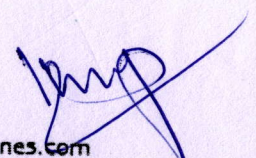
KIRAN S K
(Authorized Signatory)



Site Office:

Katta, Cheeranikkara P.O, Vembayam, Trivandrum

Phone: 0472-2835700 / 800, 8606160004, E-mail: adcovt@gmail.com, www.covenantstones.com



GOVERNMENT OF KERALA
CHALAN FORM 12



[See Rules 102 (c) and 12 of Kerala Treasury Code]
Chalan for payment of money into the
District Treasury/ Sub Treasury/
State Bank of India

7/14/22

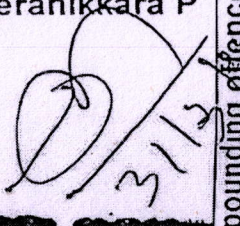
At Medical College Sub Treasury
Computer Seq. No. _____ Date 07/04/2022

Head of Account 0853 102 99 (01) _____
Maj. Smj Min Sub Det Obj S.Obj


*DDO Code : (Dept.) 450 DDO 002

*SDO Code : _____

K L O O O 6 9 7 4 6 4 2 0 2 2 2 3 M

By whom paid and name and address of the person on whose behalf money is paid	Purpose of remittance & authority, If any	Amount in Rs.	Order to the Bank
M/s Covenant Stones Katta, Cheeranikkara P O, Tvpm, -  Signature & Designation Of the Department The remittance	Compounding offence 1 st installment as per Court order W P © 6106/2022 dated 14/03/2022	887450	Correct Receive and grant receipt
Total		887450	Treasury Officer

Total in words Rupees Eight Lac Eighty Seven Thousand Four Hundred Fifty Only

Signature of Remitter 

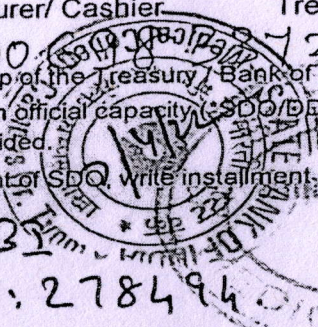
Received Rs. (Rupees only)

Date: 7/14/22
Signature of Treasurer/ Cashier _____ Treasury Officer / Bank Manager

Note: K L O O O 6 9 7 4 6 4 2 0 2 2 2 3 M

- The seal / stamp of the treasury / Bank of collection shall be Affixed
- If remittance is in official capacity (SDO/DDO), write corresponding code in the column provided.
- If loan repayment of SDO, write installment number in purpose column.

Bank: SBI
Cheque no: 278494



This is the true copy of document marked as EXHIBIT R39 ANNEXURE in the above case.

ADVOCATE

13

Exhibit R3(10)

Covenant
Stones Pvt Ltd

Dated : 08th April 2022.

To,
The Geologist,
Department of Mining & Geology
District Office Trivandrum,
Trivandrum

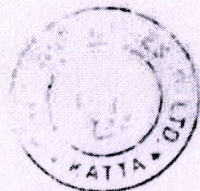
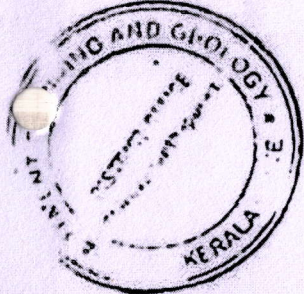
Sub :- Payment of 2nd instalment

Ref :- Judgement from The Hon. High Court of Kerala WP(C) No. 6106 of 2022,
Dated: 14th March 2022.

Madam

Based on the reference mentioned, 2nd installment royalty, price and fine for GBS for RS 3,74,922/- has been paid at sub - treasury, medical college with challan No. KL000697864202223M. dated 07th April 2022 is submitted herewith

Thanking You



Yours Faithfully,

For, M/S COVENANT STONES PVT LTD.,

KIRAN S K
(Authorized Signatory)

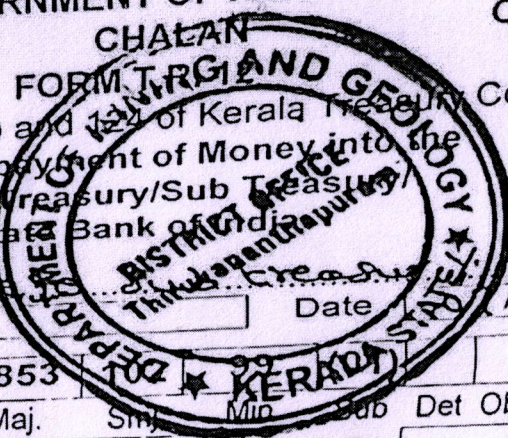
Site Office:

Katta, Cheeranikkara P.O, Vembayam, Trivandrum

Phone: 0472-2833700 / 800, 8606160004, E-mail: adcovt@gmail.com, www.covenantstones.com

GOVERNMENT OF KERALA

ORIGIN



CHALAN FORM T-1 (RG AND GEOLOGY Code) [See Rules 102 (c) and 124 of Kerala Treasury Code] Chalans for payment of Money into the District Treasury/Sub Treasury, State Bank of India

At Medical College Computer Seq. No. Head of Account 0853 *DDO Code: (Dept.) 450 DDO 002 *SDO Code:

KL000697864 2022-23 M

Table with 4 columns: By whom paid and name and address of the person on whose behalf money is paid; Purpose of remittance & authority, if any; Amount in Rs.; Order to the Bank. Includes handwritten notes and stamps.

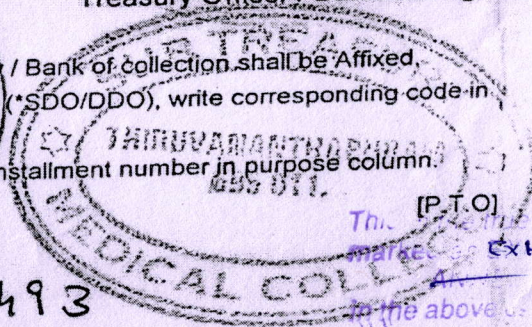
Total in words Rupees Three Lac Seventy Four Thousand Nine Hundred Twenty Two Only

Signature of Remitter Received Rs. (Rupees) only

Date: Signature of Treasurer / Cashier Treasury Officer / Bank Manager

- 1. The seal/stamp of the Treasury / Bank of collection shall be affixed. 2. If remittance is in official capacity (*SDO/DDO), write corresponding code in the column provided. 3. If loan repayment of SDO, write installment number in purpose column.

Bank: SBI Cheque no 278493



This is a copy of document referred to the above

ADVOCATE

Dated : 30th May 2022.

To,
The Geologist,
Department of Mining & Geology
District Office Trivandrum,
Trivandrum.

Sub :- Payment of 3rd Installment.

Ref :- Judgement from The Hon. High Court of Kerala WP(C) No. 6106 of 2022,
Dated: 14th March 2022.

Madam,

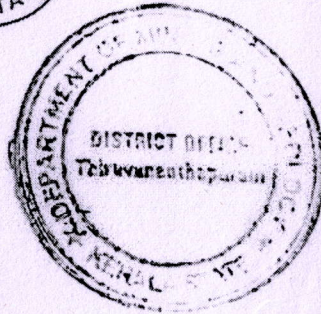
Based on the reference mentioned, 3rd installment royalty, price and fine for GBS for RS 3,74,922/- has been paid at sub - treasury, medical college with challan No. KL005816936202223M, dated: 28th May 2022 is submitted herewith.

h
30/5/22

Thanking You,

Yours Faithfully,

For, M/S COVENANT STONES PVT LTD.,



KIRAN S K
(Authorized Signatory)

Site Office:

Katta, Cheeranikkara P.O, Vembayam, Trivandrum

Phone: 0472-2833700 / 800, 8606160004, E-mail: adcovt@gmail.com, www.covenantstones.com

Dated : 01st July 2022.

To,

The Senior Geologist,
Department of Mining & Geology
District Office Trivandrum,
Trivandrum.

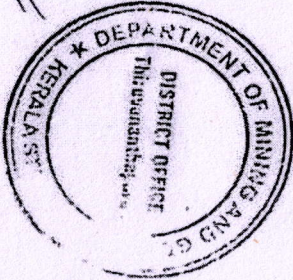
Sub :- Payment of 4th Installment.

Ref :- Judgement from The Hon. High Court of Kerala WP(C) No. 6106 of 2022,
Dated: 14th March 2022.

Dear Sir,

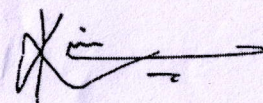
Based on the reference mentioned, 4th installment royalty, price and fine for GBS for RS 3,91,193/- has been paid at sub - treasury, medical college with challan No. KL009635926202223M, dated: 01st July 2022 is submitted herewith.

Thanking You.



Yours Faithfully,

For, M/S COVENANT STONES PVT LTD.,


KIRAN S K
(Authorized Signatory)

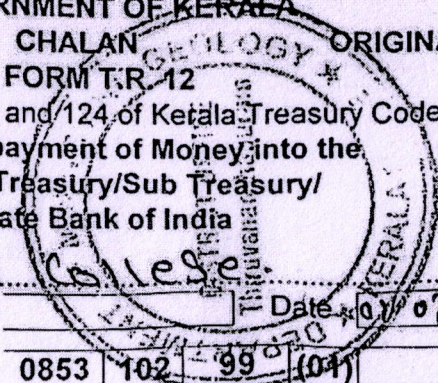
Site Office:

Katta, Cheeranikkara P.O, Vembayam, Trivandrum

Phone: 0472-2833700 / 800, 8606160004, E-mail: adcovt@gmail.com, www.covenantstones.com

GOVERNMENT OF KERALA
CHALAN ORIGINAL
FORM T.R. 12

[See Rules 102 (c) and 124 of Kerala Treasury Code]
Chalan for payment of Money into the
District Treasury/Sub Treasury/
State Bank of India



At Medical College
Computer Seq. No. _____ Date 07/07/22

Head of Account 0853 102 99 (04)
Maj. Smj Min Sub Det

*DDO Code : 450 DDO 002

*SDO Code : _____

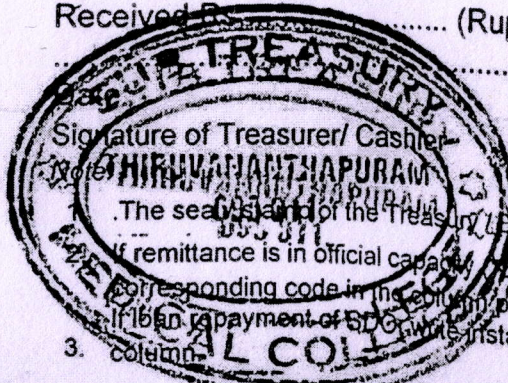
14/2
KL-009635926202223M

By whom paid and name and address of the person on whose behalf	Purpose of remittance & authority, If any	Amount in Rs.
M/s Covenant Stone Katta, Cheeranikkara P O, TVpm, -	(Pw) (Tel) Compounding offence 4th installment as per Court Order W P@6106/2022 dated 14/03/2022	391193
Signature & Designation of the Departmental Officer countersigning The remittance		
	Total	391193

Total in words Rupees Three Lac Ninety One Thousand One Hundred Ninety Three Only

Signature of Remitter *[Signature]*

Received By _____ (Rupees _____)



Signature of Treasurer/ Cashier
The seal/stamp of the Treasury/ Bank collection shall be affixed if remittance is in official capacity. If an instalment of SDO, write corresponding code in the column provided. If an instalment number in purpose column.

This is the true copy of document marked as EXHIBIT R3(12) ANNEXURE in the above case.

8 B P Cheque no, 278503

[Signature]
ADVOCATE

Dated :21st July 2022.

To,

The Senior Geologist,
Department of Mining & Geology
District Office Trivandrum,
Trivandrum.

o/c

Sub:- Payment of 5th Installment.**Ref:- Judgement from The Hon. High Court of Kerala WP(C) No. 6106 of 2022,**
Dated: 14th March 2022.

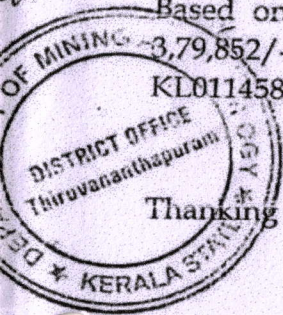
Dear Sir,

Based on the reference mentioned, 5th installment royalty, price and fine for GBS for RS 3,79,852/- has been paid at sub - treasury, medical college with challan No. KL011458348202223M, dated: 01st July 2022 is submitted herewith.

Thanking You,

Yours Faithfully,

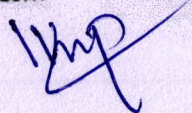
For, M/S COVENANT STONES PVT LTD.,




KIRAN S K
(Authorized Signatory)

Site Office:

Katta, Cheeranikkara P.O, Vembayam, Trivandrum
Phone: 0472-2835700 / 800, 8606160004, E-mail: adcovt@gmail.com, www.covenantstones.com



GOVERNMENT OF KERALA
CHALAN ORIGINAL
FORM T.R. 12
[See Rules 102 (c) and 124 of Kerala Treasury Code]
Chalan for payment of Money into the
District Treasury/Sub Treasury/
State Bank of India

At Medical College
Computer Seq. No. _____ Date 21/07/2022

Head of Account 0853 102 99 (01)
Maj Smj Mir Sub Det

*DDO Code : 450 DDO 002

*SDO Code : _____

By whom paid and name and address of the person on whose behalf	Purpose of remittance & authority, if any	Amount in Rs.
M/s Covenant Stones Katta, Cheeranikkara P O, TVpm, - <i>20/7/22</i>	Compounding offence 5th Installment as per Court Order W P06106/2022 dated 14/03/2022	379852
Signature & Designation of the Departmental Officer countersigning The remittance		
Total		379852

Total in words Rupees Three Lac Seventy Nine Thousand Eight Hundred

Signature of Remitter _____
Received Rs. _____
Date _____
Signature of Treasurer/Cashier _____
Stamp: BANK OF INDIA, CHEERANIKKARA, DISTRICT TREASURY OFFICE

- The seal / stamp of the Treasury / Bank of collection shall be affixed.
- If remittance is in official capacity (SDO/DDO), write corresponding code in the column provided.
- If loan repayment of SDO, write installment number in purpose column.

SBT: 278505 21/7/22

KL011458348202223M

This is the true copy of document marked as EXHIBIT R3(13) referred ANNEXURE in the above case.

ADVOCATE
[Signature]

**BEFORE THE DISTRICT GEOLOGIST
MINING & GEOLOGY DEPARTMENT, DISTRICT OFFICE,
TRIVANDRUM**

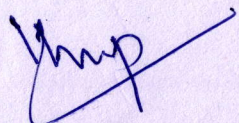
**Representation submitted by M/s.Covenant Stones Pvt. Ltd.
Katta, Cheeranikkara P.O., Vembayam, Thiruvananthapuram, rep.
by its Director**

Sub: - Recalling of order dated 7-9-2021 and for grant of an
opportunity of hearing - Reg:-

The undersigned, vide quarrying lease dated 28-7-2015, is permitted to quarry GDS (Granite Dimension Stone) from an extent of 2.4270, which is comprised under Sy.No.469/4-3-4, 469/4-3-3, 469/4-2, 469/4-1-1 and 469/4-1-2 of Manikkal Village, Nedumangad Taluk, Trivandrum District. The annual production was at the rate of 1500 M3.

While matters were as such, the undersigned herein was issued with a show cause notice, dated 12-11-2020, wherein it is alleged that the undersigned had excavated a quantity of 3570 MT granite from the common boundary and buffer zone and a quantity of 262.5 MT GDS from the Northern Buffer Zone of the GDS quarry. Vide the said notice, the undersigned herein was asked to give an explanation and also to submit records sought for therein.

It is submitted that the undersigned had submitted letter dated 21-5-2020 seeking time to submit the required documents. Thereafter, there was no response in the matter. The undersigned



herein was not issued with any further notice summoning for a hearing/passing any orders in the matter.

While matters were as such, recently the undersigned was issued with a demand notice, wherein a total amount of Rs.21,72,040/-, is demanded by way of royalty, price and fine with respect to the alleged excavation of 8570 MT of GBS (Granite Building Stone) from the Buffer zone and 262.5 MT of GDS from the buffer zone.

It is submitted that the undersigned herein was not afforded with an opportunity of being heard prior to the passing of the order.

The practice of passing orders in the form of demand notice is deprecated by the Hon'ble High Court of Kerala in Biju K.Varghese v. District Geologist (2020 (6) KLT 317). The Principle of law laid down in the said judgment is squarely applicable in the present case as well.

The impugned order is passed without first passing an order adjudicating the matter. The notice dated 12-11-2020 cannot be treated as a notice of hearing. The same is only called for production of documents and submission of explanations. The principles of natural justice demands affording of a fair opportunity of hearing.

The quantity arrived at vide the impugned order is equally incorrect, wrong and unsustainable in law. The undersigned has got valuable contention as against the allegations.

[Handwritten Signature]

23

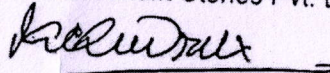
Exhibit R3(14)
3

In such circumstances, it is humbly submitted that the undersigned may be granted with an effective opportunity of being heard and pass fresh orders by treating the impugned proceeding dated 7-9-2021 as a provisional notice.

Dated this the 20th day of September, 2021.

For M/s.Covenant Stones Pvt. Ltd.

For Covenant Stones Pvt. Ltd.



Director



This is the true copy of document
marked as EXHIBIT R3(14) referred
~~ANNEXURE~~
in the above case.



ADVOCATE

Copy of the objection filed by respondent no.3

1 message


Philip J Vettickattu <philipjvettickattu@gmail.com>

Tue, Aug 16, 2022 at 4:44 PM

To: vijeeshvembayam@gmail.com, secy-moef@nic.in, director.dir.dmg@kerala.gov.in

Sir,

I am sending a copy of the objection filed by the 3rd respondent to the 4th respondent.

 **objection.pdf**
23475K