

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 155 of 2020 (SZ)**

IN THE MATTER OF

Vijeesh Kumar Thiruvananthapuram

...Applicant

Versus

Union of India and others

...Respondents

**REPORT SUBMITTED BY THE JOINT COMMITTEE AS DIRECTED
BY THE DIRECTOR OF MINING & GEOLOGY**

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Dated at Chennai on this 25th day of August, 2022

Vidyalakshmi

COUNSEL FOR 2ND RESPONDENT

23.08.22

1

Report Submitted by the Joint Committee as directed by the Director of Mining & Geology in order 298/2022-23/DMG/7857/2021-M2 dt. 16.8.22

The Director of Mining & Geology vide order No.298/22-23/DMG/7857/ 2021-22/M2 dt. 16.8.22 constituted a Committee in compliance to the directions in G.O(Rt)No.710/2022/ID dated 16.7.22 and the decisions of the Joint Committee of SEIAA in their meeting dated 10.8.22 in OA No. 155/2020 filed before the Hon'ble National Green Tribunal, to ascertain the extend and volume of Granite Building Stone extracted by M/s. Covenant Stone Private Limited in their lease area in Manikkal and Thekkada Villages of Nedumangad Taluk. Annexure 1. Accordingly the committee inspected the lease area along with the Taluk Surveyor on 20.8.2022 and conducted total station survey to determine the quantum of mineral extracted. Since the measurements in granite dimension stone lease area has already been conducted by the District Geologist with the assistance of Taluk Surveyor, and a demand in this respect has been raised (for Rs.21,72,040/- dated 7.9.2021 for excess extraction), the present team did not make any attempt to measure the Granite Dimension Stone lease area. A copy of the demand notice is enclosed herewith as Annexure 2. The findings of the Joint Committee is enumerated hereunder.

The Director of Mining & Geology had issued a quarrying lease vide order No. 98/2011-2012/M3/2011 dated 20.5.2011 to M/s. Covenant Stones Private Limited over an area of 5.7782 Ha in Sy.Nos. 29/2, 29/3, 30/4 of Thekkada Village and Sy.No. 470, 472/5, 472/6, 474/1, 471/1-2, 472/4-1, 474/1-1 of Manikkal Village in Nedumangad Taluk for a period of 12 years, as per the provisions in the Kerala Minor Mineral Concessions Rules 1967. The said lease is valid up to 22.5.2023. The annual production permitted in

the lease order is one lakh metric tones. Based on a series of complaints, against the functioning of the lease, the District Geologist made assessments in the quarry and found illegal extraction of 931714 metric tonnes and hence a demand notice dated 15.9.2020 demanding 6,71,08,430 was issued to the lease holder. The merits of this demand notice was contested before the Appellate Authority in Government. Government while disposing the appeal petitions filed by Sri.Vijeesh Kumar and Sri.Bijumon authorized the Director of Mining & Geology to take necessary steps to reassess the alleged quarry with the help of revenue officials and issue fresh demand notice to the quarry owner and to take further action if any, on the basis of NGT order and final out come of a pending police case.

It is observed that during the earlier measurement, which culminated in the demand notice, the district office relied on the survey sketch prepared by the Taluk Surveyor to compute the volume. The heights were manually measured then, jointly by the officials of Mining & Geology and Taluk Surveyor. The complainants who had filed the appeal, before Government, challenged the calculations arrived at the joint inspection and requested for resorting scientific modes for ascertaining the correct quantity of illegal mining. Under the above instance, in the present quantification the aerial extent and depth factors were calculated using total station survey equipment.

Prior to the proposed survey, a notice was served to the lease holder to make himself available for the inspection on 20.8.2022 with necessary documents. A copy of the notice is enclosed herewith as Annexure 3. The lease holder however did not turn up for the proceedings, nor deputed any representations to assist the inspection team. Only a few of the boundary pillars were found erected, at the time of inspection. The deepest portion of

the quarry pits were found water logged which extends from 2 to 10 metres. The average depth of water columns was measured physically using ropes with weight attached.

The Surveyor of the Joint Committee and the Taluk Surveyor calculated that from the pits in lease hold area and outside **18,86,405** metric tonnes of granite building stone has been extracted. The sketch detailing the extend of quarrying is included as Annexure 3.

On perusal of office records, it is noted that the lessee is eligible for getting the following relaxations.

1. Audit report

4.7.2011- 31.3.2013 - 445MT

1.4.2013-31.3.2014 - 95990 MT

1.4.2014-31.3.2015 -108100 MT

2. Mining Plan quantity (Eligible for RMCU holders)

1.4.2015-31.3.2016 -85,500MT

1.4.2016-31.3.2017 - 2,37,500MT

1.4.2017-31.3.2018 -2,85,000 MT

3. Eligible quantity for RMCU holder as per circular dated 6.4.2019

No. 4/DMG/M3/2014

2019-20- 1,00,000. MT

4. Quantity for which penalty is remitted

$71943.75+62140 \text{ MT} = 134083.75$

Total: 10,46,619 MT

By deducting the permissible allowances, the quantity of Granite Building Stone extracted in excess for which penalty has to be realized is **8,39,786** metric tonnes($1886405-1046619=8,39,786$). The lease holder is not

eligible for any further relaxations as claimed in the appeal. The Hon'ble High Court has observed that the circular dated 20.5.2009 vide No.8925/M3/2009 is not legally sustainable. The lease holder is liable to remit the royalty, price and compounding fee for the excess quantity of building stone transitted form the area.

CONCLUSION

The Committee recommends that an amount of Rupees 6,04,89,592/- (Six crore four lakhs eighty nine thousand five hundred and ninety two only) towards royalty, price and compounding fee shall be realized from the lease holder, being the penalty for illegal extraction of 8,39,786 metric tonnes of granite building stone.

Rajkumar.M.S:	Sr. Geologist	<i>12/23/22</i>
Shajikumar.T :	Geologist	<i>23/8/22</i>
Shajimol :	Geologist	<i>Shajimol 23/8/22</i>

By deducting the permissible allowances, the quantity of Granite Building Stone extracted in excess for which penalty has to be realized is 8,39,786 metric tonnes(1886402-1046619=8,39,786). The lease holder is not

DMG/7857/2021-M2

719276/2022/FCS DMG
I/261617/2022

മൈനിങ് & ജിയോളജി ഡയറക്ടറുടെ നടപടിക്രമം

(ഹാജർ : ശ്രീ.എൻ.ദേവിദാസ് ഐ.എ.എസ്)

വിഷയം: മൈനിംഗ് & ജിയോളജി വകുപ്പ് - മെ.കവനന്റ് സ്റ്റോൺ പ്രൈവറ്റ് ലിമിറ്റഡ് -
കാറിയിംഗ് ലീസ് സ്ഥലങ്ങൾ പരിശോധന നടത്തുന്നതിന് ഉദ്യോഗസ്ഥരെ നിയമിച്ച്
ഉത്തരവാകുന്നത് സംബന്ധിച്ച്

- പരാമർശം:
1. 19.8.2020 ലെ OA No.155/2020 നമ്പർ NGT ഉത്തരവ്
 2. 20.5.2011 ലെ 98/2011-12/3499/എം3/2011 നമ്പർ ഉത്തരവ്, 19.8.2015 ലെ 373/2015-16/1723/എം3/2015 നമ്പർ ഉത്തരവ്
 3. 16.7.22 ലെ GO (Rt) No.710/2022/ID നമ്പർ സർക്കാർ ഉത്തരവ്
 4. 10.8.2022 ലെ SEIAA യുടെ അദ്ധ്യക്ഷതയിൽ നടന്ന OA NGT No.155/2020 ജോയിന്റ് കമ്മിറ്റിയുടെ യോഗത്തിൽ

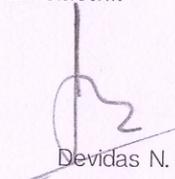
നമ്പർ.298/2022-23/DMG/7857/2021-M2 തിരുവനന്തപുരം. തീയതി 16-08-2022

ഉത്തരവ്

തിരുവനന്തപുരം ജില്ലയിൽ നെടുമങ്ങാട് താലൂക്കിൽ സൂചന (2) പ്രകാരം മെ.കവനന്റ് സ്റ്റോൺ പ്രൈവറ്റ് ലിമിറ്റഡ് എന്ന സ്ഥാപനത്തിന് കരിങ്കല്ല് ഗ്രാനൈറ്റ് ഡയമെൻഷൻ സ്റ്റോൺ ഖനനത്തിന് അനുവദിച്ച രണ്ട് കാറിയിംഗ് ലീസ് സ്ഥലങ്ങൾ പരിശോധന നടത്തി റിപ്പോർട്ട് സമർപ്പിക്കുന്നതിന് താഴെ പറയുന്ന ഉദ്യോഗസ്ഥരെ ഉൾപ്പെടുത്തി ഒരു ജോയിന്റ് കമ്മിറ്റി രൂപീകരിച്ച് ഉത്തരവാകുന്നു.

1. ശ്രീ.എം.എസ്.രാജ് കുമാർ, സീനിയർ ജിയോളജിസ്റ്റ്, ജില്ലാ ഓഫീസ്, തിരുവനന്തപുരം
2. ശ്രീ.ഷാജികുമാർ.റ്റി, ജിയോളജിസ്റ്റ്, ഡയറക്ടറേറ്റ്
3. ശ്രീമതി.ഷാജിമോൾ.പി.കെ, ജിയോളജിസ്റ്റ്, ഡയറക്ടറേറ്റ്
4. ശ്രീ. മനീഷ് സി, സർവ്വേയർ

ഈ കമ്മിറ്റി സ്ഥലം പരിശോധിച്ച് 20.8.2022-ന് മുൻപായി പരിശോധന റിപ്പോർട്ട് സമർപ്പിക്കേണ്ടതാണ്.


Devidas N. IAS
DIRECTOR

സീകർത്താവ്: 1. ശ്രീ.എം.എസ്.രാജ് കുമാർ, സീനിയർ ജിയോളജിസ്റ്റ്, ജില്ലാ ഓഫീസ്, തിരുവനന്തപുരം

2. ശ്രീ.ഷാജികുമാർ.റ്റി, ജിയോളജിസ്റ്റ്, ഡയറക്ടറേറ്റ്

3. ശ്രീമതി.ഷാജിമോൾ.പി.കെ, ജിയോളജിസ്റ്റ്, ഡയറക്ടറേറ്റ്

പകർപ്പ്: 4. ശ്രീ. മനീഷ് സി, സർവ്വേയർ

1) ഡെപ്യൂട്ടി ഡയറക്ടർ 1, 2

2) കരുതൽ ഫയൽ/അധിക പകർപ്പ്

രജിസ്ട്രേഡ്

നമ്പർ : 3445/ഡിഒറ്റി/എംഎൽ/2019

മൈനിങ് & ജിയോളജി വകുപ്പ്
ജില്ലാ ആഫീസ്, തിരുവനന്തപുരം
കേശവദാസപുരം, പട്ടം പാലസ് പി.ഒ.,
email : geo.thi.dmg@kerala.gov.in
Phone: 0471-2442055
തീയതി :07.09.2021

ഡിമാന്റ് നോട്ടീസ്

വിഷയം:- മൈനിങ് & ജിയോളജി - ഖനിയും ഖനിജങ്ങളും - ചെറുകിട ധാതു -
അലങ്കാരവിതാനശില/കരിങ്കല്ല് -ബഹർ സോണിൽ നിന്നും അനധികൃത
ഖനനം നടത്തിയത് നിയമനടപടി സ്വീകരിക്കുന്നത് - സംബന്ധിച്ച്.

- സൂചന:-
1. . 2015-ലെ കേരള മൈനർ മിനറൽ കൺസൺഷൻ ചട്ടങ്ങൾ
 2. ഡയറക്ടർ ഓഫ് മൈനിങ് & ജിയോളജിയുടെ 19.08.2015 ലെ
373/2015-16/1723/എം3/2015 നമ്പർ ഉത്തരവ്
 3. ഈ ആഫീസിന്റെ 06.11.2020, 04.08.2011 തീയതികളിലെ സ്ഥലപരിശോധന
 4. 12.11.2020 ലെ മേൽ നമ്പർ കാരണം കാണിക്കൽ നോട്ടീസ്

മേൽ സൂചനകൾ ശ്രദ്ധിക്കുക. നെടുമങ്ങാട് താലൂക്കിൽ മാണിക്കൽ വില്ലേജിൽ റീസർവ്വെ നമ്പർ 469/4-3-4, 4-3-3, 4-2, 4-1-1, 4-1-2 ൽ പെട്ട സ്ഥലത്ത് സൂചന (2) ആയി ഡയമൻഷൻ സ്റ്റോൺ ഖനനം ചെയ്യുന്നതിനുള്ള അനുമതി നൽകിയിരുന്നു. ഈ ആഫീസിൽ നിന്നും 06.11.2020 നടത്തിയിട്ടുള്ള പരിശോധനയിൽ ഗ്രാനൈറ്റ് ബിൽഡിംഗ് സ്റ്റോൺ-ഡയമൻഷൻ സ്റ്റോൺ കോമൺ ലീസ് ഏരിയയിൽ നിന്നും 3570 മെട്രിക് ടൺ GBS-GDS ഖനനം ചെയ്തിട്ടുള്ളതായും ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ ലീസ് ഏരിയയുടെ വടക്ക് ഭാഗത്തുള്ള ബഹർ സോണിൽ നിന്നും 262.5 മെട്രിക് ടൺ ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ ഖനനം ചെയ്തിട്ടുള്ളതായും ബോധ്യപ്പെട്ടതിന്റെ അടിസ്ഥാനത്തിൽ സൂചന (3) ആയി താങ്കൾക്ക് ഹിയറിങ് നോട്ടീസ് നൽകിയിരുന്നു. ഗ്രാനൈറ്റ് ബിൽഡിങ് സ്റ്റോൺ, ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ കോമൺ ബൗണ്ടറിയിൽ നിന്നും താങ്കൾ അനധികൃത ഖനനം നടത്തിയത് ഗ്രാനൈറ്റ് ബിൽഡിങ് സ്റ്റോൺ ആയാണോ ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ ആയാണോ എന്ന് പരിശോധിക്കുന്നതിന്റെ ഭാഗമായി ഈ ആഫീസിൽ നിന്നും 04.08.2021 ന് നടത്തിയ പരിശോധനയിൽ താങ്കൾ ഗ്രാനൈറ്റ് ബിൽഡിങ് സ്റ്റോൺ ആയാണ് അനധികൃത ഖനനം നടത്തിയതെന്ന് ബോധ്യപ്പെട്ടിട്ടുണ്ട്. ആയതിന്റെ വിശദാംശങ്ങൾ താഴെ കൊടുക്കുന്നു.

- a. ഗ്രാനൈറ്റ് ബിൽഡിങ് സ്റ്റോൺ, ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ കോമൺ ബൗണ്ടറിയിലെ ബഹർ സോണിൽ നിന്നും അനധികൃത ഖനനം നടത്തിയ ഗ്രാനൈറ്റ് ബിൽഡിങ് സ്റ്റോൺ ന്റെ അളവ് =3570 MT
- b. ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ ലീസ് ഏരിയയുടെ ബഹർ സോണിൽ (469/4) നിന്നും അനധികൃത ഖനനം നടത്തിയ ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോണിന്റെ അളവ് = 262.5MT

3570MT കരിങ്കല്ലിന്റെ റോയൽറ്റി (3570x24) = 85,680/-

വില 3570x48 = 1,71,360/-

262.5 MT അലങ്കാര വിതാനശിലയുടെ റോയൽറ്റി 262.5x2400

വില = ₹6,30,000/-

= 262.5x4800

പിഴ = ₹12,60,000/-

= 25,000/-

ആകെ = 21,72,040/-

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നെടുമങ്ങാട് താലൂക്കിൽ മാണിക്കൽ വില്ലേജിൽ റീസർവ്വെ നമ്പർ 469/4-3-4, 4-3-3, 4-2, 4-1-1, 4-1-2 ൽ പെട്ട സ്ഥലത്ത് അനുവദിച്ചിട്ടുള്ള ഗ്രാനൈറ്റ് ഡയമണ്ട്ഷൻ സോറോൺ ലീസ് ഏരിയയുടെ 3570MT കരിങ്കല്ലും ടി ലീസ് ഏരിയയുടെ സർവ്വെ നമ്പർ 469/4 ൽ പെട്ട ബഹർ സോണിൽ നിന്നും 262.5 MT അലങ്കാരവിതാനശിലയും അനധികൃതമായി ഖനനം ചെയ്തുകൊടുത്തതിന് റോയൽറ്റിയും വിലയും പിഴയും ഉൾപ്പെടെ ആകെ 21,72,040/- ഈ നോട്ടീസ് ലഭിച്ച് 59 ദിവസത്തിനുള്ളിൽ ആഫീസിൽ ഹാജരായി ചെയ്യാൻ കൈപ്പറ്റി ട്രഷറിയിൽ ഒടുക്കി അസൽ ചെയ്യാൻ ഹാജരാക്കേണ്ടതാണ്. അല്ലാത്ത പക്ഷം താങ്കൾക്കെതിരെ ഇനിയൊരു അറിയിപ്പ് ഇല്ലാതെ തുടർനടപടികൾ സ്വീകരിക്കുന്നതായിരിക്കുന്നതാണെന്ന് ഇതിനാൽ അറിയിക്കുന്നു.

ജിയോളജിസ്റ്റ്

To
Sri Reghunadhan Kunju Krishnan
M/S Covenant Stones Pvt Ltd
Katta, Cheeranikkara P.O.
Vembayam
Thiruvananthapuram

09/09/21

മൈനിംഗ് & ജിയോളജി ഡയറക്ടറേറ്റ്,
കേശവദാസപുരം, പട്ടം പാലസ്.പി.ഒ.,
തിരുവനന്തപുരം-4
Tel/Fax : 0471-2447429
e-mail : director.dir.dmg@kerala.gov.in
www.dmg.kerala.gov.in
തീയതി : 08.2022

നമ്പർ.ഡിഎംജി /7857/എം1/2021

നോട്ടീസ്

വിഷയം: ഖനിയും ഖനിജങ്ങളും - കരിങ്കല്ല് ഖനനം - ക്വാറിയിംഗ് ലീസ് അനുവദിച്ച സ്ഥലത്ത് സ്ഥലപരിശോധന നടത്തുന്നത് - സർക്കാർ ഉത്തരവ് നടപ്പിലാക്കുന്നത് സംബന്ധിച്ച്

- സൂചന: 1) 14.8.2018 തീയതിയിൽ 362/2018-19/3499/എം3/2011 നമ്പർ പ്രകാരം താങ്കൾക്ക് അനുവദിച്ച ക്വാറിയിംഗ് ലീസ്
 2) 16.7.22 ലെ GO (Rt) No.710/2022/ID നമ്പർ സർക്കാർ ഉത്തരവ്
 3) 16.8.2022-ലെ മൈനിംഗ് & ജിയോളജി ഡയറക്ടറുടെ 298/2022-23/DMG/7857/2021-M1 നമ്പർ നടപടിക്രമം

തിരുവനന്തപുരം ജില്ല, നെടുമങ്ങാട് താലൂക്കിൽ തേക്കട, മാണിക്കൽ വില്ലേജിൽ സൂചന (1) പ്രകാരം ക്വാറിയിംഗ് ലീസ് അനുവദിച്ച സ്ഥലത്ത് സൂചന (2) സർക്കാർ ഉത്തരവ് നടപ്പിലാക്കുന്നതിന്റെ ഭാഗമായി സൂചന (3) ഉത്തരവിലൂടെ നിയുക്തരായ ഉദ്യോഗസ്ഥ സംഘം 20.8.2022 തീയതിയിൽ പകൽ 10.00 am ന് സ്ഥലപരിശോധന നടത്തുന്നതിന് തീരുമാനിച്ചിട്ടുണ്ട്. തദവസരത്തിൽ താങ്കളോ താങ്കളുടെ പ്രതിനിധിയോ ആവശ്യമായ രേഖകൾ സഹിതം ഹാജരാകണമെന്നും അറിയിക്കുന്നു .

മൈനിംഗ് & ജിയോളജി ഡയറക്ടർ

സീകർത്താവ്

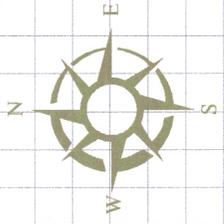
മാനേജിങ് ഡയറക്ടർ
മെ. കവനന്റ് സ്റ്റോൺസ് പ്രൈവറ്റ് ലിമിറ്റഡ്,
കറ്റ, ചീരാണിക്കര.പി.ഒ, വെമ്പായം, തിരുവനന്തപുരം.

പകർപ്പ്

തഹസിൽദാർ

നെടുമങ്ങാട് (താലൂക്ക് സർവ്വെയറുടെ സേവനം ലഭ്യമാക്കുന്നതിന്)

COVENANT STONES PVT LTD , VEMBAYAM



SURVEY NO - 489 / 4
EXPIRED LEASE AREA
(Granite Dimensions Stone)

DISTRICT : THIRUVANATHAPURAM
TALUK : NEDUMANGAD
VILLAGE : THEKKADA
BLOCK NO : 30
RE-SY NO : 292,293,304,305
DISTRICT : THIRUVANATHAPURAM
TALUK : NEDUMANGAD
VILLAGE : MANICKAL
BLOCK NO : 29
RE-SY NO : 470,472/4-1,474/1,474/1-1,
474/1-2,472/5,472/6



NAME	AREA	VOLUME
MINED AREA 1	4766.900 m ²	36928.125 m ³
MINED AREA 2	2710.550 m ²	25229.730 m ³
MINED AREA 3	34410.090 m ²	633081.210 m ³
WATER LOGGED AREA	9203.460 m ²	80322.840 m ³
TOTAL		754661.905 m³

Volume Calculated using Average height

ROCK BOUNDARY	AREA : 5.7782 Hectare (14 Acre 27.00 Cents)
ROAD	Scale : 1 cm : 14 m
WATER LOGGED AREA	Sheet No :
BUILDING	Surveyed on : 20 / 08 / 2022
BENCH MARK	
GRID LINE	
STONE	

All Dimension Are In Meters

Mr. A.M.
20/08/22
Manojan Geology
Surveyor Geology



GOVERNMENT OF KERALA

Abstract

Industries Department -Common judgment dated 24.09.2021 in WP(C)19213/2021 & WP(C)19404/2021 filed by Sri.Vijeesh Kumar and Sri. Bijumon respectively challenging GO(Rt) No.788/2021/ID dated 29/07/2021 - complying of - orders issued.

INDUSTRIES (A) DEPARTMENT

G.O.(Rt)No.710/2022/ID Dated,Thiruvananthapuram, 16-07-2022

- Read 1 GO(Rt) No.788/2021/ID dated 29/07/2021
- 2 Common judgment dated 24.09.2021 of the Hon'ble High Court in WP(C)19213/2021 & WP(C)19404/2021
 - 3 Appeal petition dated 13.10.2021 filed by Sri.Bijumon.R, Sangeetha Bhavan, Nettara, Kuthirakulam.P.O, Manickal, Thiruvananthapuram
 - 4 Appeal petition dated 07.10.2021 filed by Sri.Vijeesh Kumar, Shailaja Bhavan, Eanthivila, Cheeranikkara.P.O, Vembayam, Thiruvananthapuram
 5. Letter No. DMG/7943/2021-M2 dated 25.10.2021 of the Director, Mining & Geology Department.
 6. Letter submitted by Director, M/s.Covenant Stones Pvt. Ltd. dated 21.12.2021.
 7. Argument Note dated nil submitted by Sri.Vijeesh Kumar
 8. Letter No.1422/EC1/2019/SEIAA dated 10.12.2021 of The Administrator, State Environment Impact Assessment Authority (SEIAA), Kerala
 9. Letter No.PCB/HO/EE1/GEN/GOVT/COMP/2018(Vol.2) dated 25.01.2022 of the Chairman, Kerala State Pollution Control Board
 - 10 Letter No.D1-793/2022 dated 25.03.2022 of Tahsildar, Nedumangad

ORDER

The Director, Mining & Geology Department, Thiruvananthapuram had issued a quarrying lease vide Proceedings order No.98/2011-2012/3499/M3/2011 dated 20.05.2011 to Sri.Sabu Joseph, Managing Director, M/s. Covenant Stones Pvt Ltd, Site office, Katta, 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, 474/1-1 at Manikkal village in Nedumangadu Taluk in Thiruvananthapuram district for a period of 12 years from 23/05/2011 to 22/05/2023. Vide rectification order No.362/2018-19/3499/M3/2011 dated 14/08/2018 of Director, Mining & Geology Department the name of the lessee was changed to M/s. Covenant Stones Pvt Ltd, Trinity Hill, Naruvamoodu.P.O, Thiruvananthapuram. On a site inspection in the leased area, the Geologist, Thiruvananthapuram 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 No.508/2020-21/DOT/ML/3455/2020 dated 08/02/2021, 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 on 12/02/2021 before Government, as per rule 98(1)(a) of KMMCR, 2015.

2. After filing the appeal referred above before the first Appellate Authority in Government, the appellant had filed a W.P(C) No.4138/21 before the Hon'ble High Court aggrieved on the action initiated against the appellant, while the appeal is pending with Government. The Hon'ble High Court in its judgment dated 17.02.2021 dispose of the writ petition directing the first respondent, Deputy Secretary to Government, Industries (A) Department, to hear and dispose of the appeal within a period of three weeks from the date of receipt of the order.

3. Being the First Appellate Authority under KMMCR, 2015, Joint Secretary, Industries (A) Department, heard the appellant and concerned officers of Mining and Geology department on 20.03.2021. Appellate Authority examined the matter solely depending on the details and documents produced by the appellant, the matters informed while hearing, reports furnished by the officers of Mining & Geology Department and Government Order in this matter.

4. 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 vide G.O(Ms)No.19/2002/Ind dated 28.02.2002, a consolidated royalty regime is introduced. 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.

5. Government had implemented a new compounding system for realisation of royalty from the granite metal quarries based on the number and size of the metal crushing machines by amending the KMMC Rules 1967 by the insertion of (IX a) in rule 3 after clause (ix) and Chapter VII B, vide G.O(Ms)No.19/2002/Ind dated.28.02.2002. 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 Government 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 dated 01.01.2008. The rates were further revised vide G.O(P)No.1/2015/Ind dated 05.01.2015. In nowhere in the Government 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 only 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. 27.03.2013 and it is only from 2017-18 onwards that the quantity stipulation is seen imposed by the Director, Mining and Geology.

6. 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 from time to time up to 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 as informed. 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 Director, Mining and Geology has not issued any modified circular subsequent to the circular issued vide 8925/M3/2000 dated 20/05/2009. This means that the status remained the same.

7. It is seen that while renewing the Registration for the metal crusher units, the appellant was directed to maintain certain registers as per rules. He should submit these registers before the Geologist as and when Movement Permits were issued. He should 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 Director, Mining & Geology will be forced to cancel the registration granted to the Metal Crusher unit. The RMCU has been renewed by the competent authority from time to time till 31.03.2018. 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 registers 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 for the benefits he would have get from the laws prevalent at that point of time.

8. On the above grounds, it seems that the contentions put forth by the appellant demands review of the decision taken by the Geologist. In such circumstances, vide Government order read as 1st paper above, the appellate authority has set aside the proceedings dated 08/02/2021 of the District Geologist, Thiruvananthapuram and disposed of the appeal by 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.

9. Challenging the above said Government Order two Writ Petitions were filed before the Hon'ble High Court - Sri.Vijeesh Kumar filed WP(C)19213/2021 and Sri.Bijumon filed WP(C)19404/2021. The Hon'ble High Court has disposed of these two writ petitions by the common judgment read as 2nd paper above by directing the final appellate authority, Principal Secretary, Industries Department to consider the representations submitted by the two petitioners under Rule 98(1)(b) of the KMMC Rules, on the basis of all factual and legal aspects in the matter, with notice to the petitioners as well as the contesting respondents and to pass appropriate orders after hearing all concerned within a period of four weeks from the date of receipt of copy of judgment.

10. Sri.Vijeesh Kumar, petitioner in WP(C)19213/2021 has submitted an appeal petition read as 4th paper above and Sri.Bijumon, petitioner in WP(C)19404/2021 has submitted an appeal petition read as 3rd paper above before Government. Both these appeal petitions were seen filed before Government only after the issuance of the above said common judgment of the Hon'ble High Court.

11. The contentions put forth by Sri.Vijeesh Kumar, the petitioner in WP(C)19213/2021 in the appeal petition are the following:

The GO(Rt)No.788/2021/ID dated 29/07/2021 is illegal and arbitrary. The basis of the said order is a circular dated 20/05/2009 issued by the Director of Mining and Geology which has been found to be not in accordance with law by the Hon'ble High Court in the case of Binoy Kumar Vs State 2019(2) KHC 631. If the quarrying operations (by M/s. Covenant Stones Pvt Ltd) are continued on the basis of the Government order it will cause more damages to the ecology which has already suffered. The expert committee appointed by the National Green Tribunal has already found and made a report based on the principles laid down by the Hon'ble Supreme Court. Since the matter is pending before the statutory authority it is proper that the above order be kept in abeyance till the final adjudication by the National Green Tribunal in the above case.

12. The main contentions put forth by Sri.Bijumon, the petitioner in WP(C)19404/2021 is that *despite the direction to the Deputy Secretary to Govt., Industries (A) Department, who was the 1st respondent, the Joint Secretary, Industries (A) Department, who was not a party to the WP© No.4138/2021 without any authority has heard the matter arbitrarily passed the order GO(Rt)No.788/2021/ID dated 29/07/2021. The respondent company obtained EC on the basis of duplicated mining plan. The 1st respondent, Joint Secretary, Industries Department exceeded his jurisdiction and exonerated the respondent company from the liability resulting in heavy loss to the State Exchequer by the above said GO and thereby caused loss to the ecology and public fund.*

13. The Director, Mining & Geology Department vide letter read as 5th paper has reported that the Hon'ble National Green Tribunal vide order dated 24.08.2021 in OA No.155/2020 filed by Sri.Vijeesh Kumar have imposed an amount of Rs.41,46,50,509 as environment compensation on M/s.Covenant Stones Pvt. Ltd. The Director also reported that on the basis of request of SEIAA that the Company had committed frauds/irregularities while submitting a modified mining plan at the time of seeking extension of EC, the District Geologist

submitted a detailed report and recommended that to hand over the case to police authorities as there was prima facie evidence of forgery and conspiracy. Thus a complaint was filed in Pettah Police Station by the Mining & Geology Authorities and the investigation is underway.

14. The Director has issued a circular clarifying that if the holder of a RMCU produces excess quantity stipulated in the lease agreement, there is no need to initiate legal steps for realising royalty of granite stone excavated by them. But the circular is applicable to those who excavated and removed mineral as per Rules. The condition No.2 of the QL deed insists that the movement of mineral from the leasehold should be as per permit issued by competent authority. In this case the lessee has not obtained movement permit or cash memorandum. Also in this case, the mineral was moved without obtaining passes. Satellite images of the quarry during the years from 2011 to present indicate that mining activities were more during the period from 2015 to 2020. The Director, Mining & Geology reported that the lessee has not even taken movement permit as well as mineral transit pass/cash memorandum even for the quantity allowed as per lease grant order. By illegally mining and illegally transporting huge quantity of mineral the lessee has not only evaded Royalty but other taxes like GST and Income tax also.

15. The Director, Mining & Geology also reported that when the mining plan is first submitted, the scheme of mining (how much quantity, in which area, method of mining) for the first five years is to be given. Four months prior to the expiry of first five year period, the lessee has to review the mining carried out during the first five year period and provide scheme of mining for next five years. Once the geologist receives the scheme of mining prepared by RQP, the mine will be visited and excess quantity, if any, would be assessed and necessary legal action will be taken. The Geologists usually depend on the RQP or the Taluk Surveyor to conduct survey in the mine. Since Taluk Surveyors are pre-occupied with their own work, it is difficult to get their services. So usually Geologists wait for the Scheme of Mining in usual cases and requests the service of Taluk Surveyor if there is complaint or court case against the quarry. In this case, the lessee has not submitted scheme of mining though the lessee require an approved scheme of mining for production before SEIAA for obtaining EC

extension. But the lessee submitted a forged mining plan/scheme of mining before SEIAA and a police case has been filed against the lessee in this regard.

16. On the basis of the directions therein the judgment of the Hon'ble High Court, Principal Secretary, Industries Department heard the petitioners as well as the contesting respondents on 25.11.2021 and copy of the report of Director of Mining & Geology were given to the counsels of petitioners and M/s.Covenant Stones.

17. Arguement note submitted by Sri. G. Ajithkumar on behalf of petitioners in this regard as follows:

The calculation arrived at the joint inspection is not fully correct, on a perusal of the said report itself it is crystal clear that it was difficult to measure the height at certain points due to risk and height recorded is only approximate and there is a every possibility of variance. There are scientific modes for the correct calculation so as to ascertain the correct quantity of illegal mining. The Hon'ble High Court of Kerala vide judgment dated 21/5/2020 in WP(C) 10035/2020 directed the 5th respondent District Collector therein to ensure that a joint enquiry may be conducted by the 7th respondent Geologist and the Tahsildar into the various allegations raising the writ petition. The said writ petition was filed by one Bijumon who has also filed an appeal against the impugned order herein. The 4th respondent therein approached the Hon'ble High Court of Kerala by filing review petition RP No.389 of 2020. The District Geologist and the Tahsildar did not conduct the joint enquiry as directed by the Hon'ble High Court of Kerala. No such inspection was conducted on 17/06/2020 with prior notice to the parties concerned, only a statement was recorded at the office premises of the Covenant Stones Pvt.Ltd. The 4th respondent, M/s.Covenant Stones Pvt.Ltd. was in the habit of quarrying in excess and that too damaging the ecology of the area. The Revenue Divisional Officer, Nedumangad has ceased four vehicles of the 4th respondent company on 24.02.2020. Without any transit passes the vehicles having registration numbers, KL-22-K-8901, KL-21-U-0209 and KL-21-T-6350 were transporting granite without any passes. On 05.03.2020 another two vehicles KL-01-BX-4418 and KL-01-BG-5478 were ceased by the Tahsildar, Nedumangad. Multiples loads of granite was illegally transported. Thus has violated Rule (1) (j) which insist to maintain correct account

showing the quantity and other particulars of all minor minerals. It is also mandatory that Covenant Stones Pvt.Ltd has to maintain and submit returns in Form F and G regarding the quantity of extracted which is also not done. From the detection of the unauthorized loads by the Tahsildar it is clear that Covenant Stones Pvt.Ltd. has violated condition No.2 of the lease deed executed in form H. It is also submitted that from the above detection they have also violated Rule 48 X, Y and K of the KMMC Rules and also Rule 23 and 25 of the Kerala Minerals(Prevention of Illegal Mining, Storage and Transportation) Rules 2015. It is also submitted that Covenant Stones Pvt. Ltd. can either pay royalty as per schedule IV and follow other conditions as envisaged in Rule 48 X and 48 Y of KMMC Rules 1967, wherein Registered metal crusher unit license holder like Covenant Stones Pvt. Ltd. should issued cash bills as well as cash memorandum. In the instant case the company has not submitted the correct proper accounts before the District Geologist.

The CRPS system and RMCU operates in different fields, CRPS system is an option given for quarrying permit holders and not a mining lease holder like Covenant Stones Pvt.Ltd. CRPS system is applicable to quarrying permit and RMCU is related to consolidated royalty. On a perusal of the satellite images from 2011 till date it is evident that the mining activity were more during the year 2015 to 2020.

18. M/s.Covenant Stones Pvt.Ltd vide letter read as 6th paper above has informed that the report dated 25.10.2021 of Director, Mining & Geology Department contained absolutely incorrect and misleading contentions and facts. Referring to the order dated 24.08.2021, the Company argued that what was submitted by the Joint Committee before the NGT was only a proposal for imposition of environmental compensation of 41,46,50,509/- from M/s.Covenant Stones Pvt.Ltd and the NGT has not so far passed any order either accepting or imposing such proposed compensation. The company had already filed its objection and the matter is still pending. The Company informed that Government of Kerala had empowered an authority to approve a Mining plan only on 12.01.2015 and which come into force only on 07.02.2015 and then after it is mandatory for getting permit for quarrying minor minerals. Hence he argued that Police case on the complaint that the appellant company used the mining plan approved in the year of 2014 for extension to the EC in the year of 2019 is

incorrect and misleading.

18. M/s.Covenant Stones Pvt. Ltd argued that since the Company has been paying Consolidated Royalty at the rates specified in Schedule IV, the contentions raised by referring to Rule 29 and condition No.2 of the registered lease deed are absolutely inapplicable. The allegations raised by referring to Rule 48X and Rule 48Y of KMMCR, 1967 are equally not sustainable in so far as there was no such allegations were raised against the Company by the District Geologist in its demand notice.

19. The Tahsildar, Nedumangad vide his letter read as 10th paper has also reported that on inspection of vehicles by the Tahsildar veles were seized and unauthorised loads were detected. The vehicles are under the ownership of C.S.Rocks and issued a stop memo to stop all the quarrying operations of the said quarry. There conducted a joint inspection in the quarry and found a total of 5.7569 Hectares of granite from the averred quarries and the quarries are not working at present.

20. The Administrator, SEIAA vide letter read as 8th paper above reported that various complaints were filed before the Authority against the sanctioning of EC to M/s.Covenant Stones Pvt. Ltd and on detailed examination it is found that M/s.Covenant Stones Pvt. Ltd. had committed certain frauds/irregularities in submitting the revised Mining Plan at the time of seeking extension of EC and connected to this a police case is under processing in Pettah Police station.

21. The Chairman, Kerala State Pollution Control Board vide letter read as 9th paper above informed that the quarry in question was given consent on 25/01/2020 with validity upto 25/05/2020 and at present the unit doesn't possess valid consent from the Board.

22. Government have appointed appellate authority under Rule 98 of KMCCR,2015 and Rule 27 of Kerala Minerals (Prevention of Illegal Mining Storage and Transportation) Rules, 2015 respectively. At the time of initial hearing the post of appellate authority was upgraded to Joint Secretary. Hence the contention of Sri. Bijumon is not tenable. Based on the common judgment dated 24/09/2021og Hon'ble High Court in WP(C) 19213/2021 & WP(C) 19404/2021, the Final Appellate Authority examined the case in detail on the basis of all the documents

Hence the contention of the petitioner that the appellate authority exonerated the appellant Company from the huge liability is not true to the facts.

24. On examining the report furnished by the petitioners and respondents it is found that there exists serious issue regarding the operation of the alleged quarry. The case filed by Sri.Vijeesh Kumar before the Hon'ble NGT is still pending. SEIAA and Director, Mining & Geology Department has reported that a police case has been filed against M/s.Covenant Stones alleging that the Company had submitted a forged mining plan/scheme of mining before SEIAA for obtaining EC extension. It is also under consideration. In this circumstances the appeal petitions filed by Sri.Vijeesh Kumar and Sri.Bijumon are disposed of by authorizing the Director, Mining & Geology Department to take necessary steps to reassess the alleged quarry with the help of revenue officials and to issue fresh demand notice to the appellant for realizing royalty and to take further action if any against the lease holder on the basis of NGT order and final outcome of the Police case.

25. The common judgment read as 2nd paper above of the Hon'ble High Court is complied with accordingly.

A P M MOHAMMED HANISH
PRINCIPAL SECRETARY

Advocate General, Ernakulam (with covering letter)

Sri.Vijeesh Kumar, Shailaja Bhavan, Eanthivila, Cheeranikkara.P.O,
Vembayam, Thiruvananthapuram

Sri.Bijumon.R, Sangeetha Bhavan, Nettara, Kuthirakulam.P.O,
Manickal, Thiruvananthapuram

The Member Secretary, State Environment Impact Assessment
Authority (SEIAA), Kerala, Thiruvananthapuram

The District Collector, Thiruvananthapuram

The Director, Mining & Geology Department, Thiruvananthapuram

The Tahasildar, Taluk Office, Nedumangad

Chairman, Kerala State Pollution Control Board, Pattam.P.O,

available. The environmental compensation to be paid by the appellant Company, calculated by the Expert Joint Committee constituted by the Hon'ble NGT vide order dated 16/03/2021, does not come under the purview of Industries Department/Mining & Geology Department. The Order of NGT and the findings of the Expert Joint Committee had not been brought to the attention of the First Appellate Authority either by the appellant or by the officials of Mining & Geology at the time of hearing of first appeal petition. Hence Appellate Authority was unaware of the matter and not considered while examining the appeal.

23. The appeal petition filed by M/s. Covenant Stones Pvt. Ltd. was examined by the First Appellate Authority mainly depending the details furnished by the appellant and officials of Mining & Geology Department. From the available documents 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 of sales. It is also seen instructed that if he deviates from the above instructions, the Director, Mining & Geology 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 31.03.2018. 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. Hence considering the arguments of the appellant, the appellate authority disposed the appeal petition by directing the District Geologist '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. This didn't mean that the appellant company was exempted from further steps against them for realizing royalty in respect of the excess quantity of granite building stones quarried, if any.

Thiruvananthapuram

The Deputy Chief Controller of Explosives, Kakkanad, CSEZ.P.O, Ernakulam.

The Secretary, Vembayam Gramapanchayath, Konchira.P.O,
Thiruvananthapuram.

The Secretary, Manickal Gramapanchayath, Pirappancode.P.O,
Thiruvananthapuram.

Managing Director, M/s.Covenant Stones Pvt. Ltd, Katta, Cheeranikkara.P.O,
Vembayam, Thiruvananthapuram.

The District Geologist, Thiruvananthapuram.

The Principal Accountant General (Audit/ A&E), Thiruvananthapuram.

Information & Public Relations (Web & New Media) Department.

Stock file/Office Copy.

Forwarded/ By Order



Section Officer

Item No.06:

Court No - 1

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 155 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF

Vijeesh Kumar

Thiruvananthapuram

...Applicant(s)

Versus

Union of India and others

...Respondent(s)

Date of hearing: 02.08.2022.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): M/s. Deepa represented

Mr. P.B. Sahasranaman

For Respondent(s): Mrs. Me. Saraswathy for R1

Mr. Saravanan represented

Mrs. Vidhyalakshmi Vipin for R2

Mr. Philip J. Vettickattu &

M/s. Sajitha George for R3

Mr. G. Vignesh represented

Mr. E.K. Kumaresan for R4.

ORDER

1. As per order dated 30.05.2022, this Tribunal had directed the Joint

Committee to consider the objections filed by the 3rd respondent and directed the Director of Mining and Geology Department to furnish the details required by the Joint Committee for assessing compensation and posted the case to 20.07.2022 for completion of pleadings, consideration of further report and also for hearing. On 20.07.2022, the matter was adjourned to today by notification.

2. The Mining and Geology Department had filed a report dated 17.03.2022, e-filed on 17.06.2022.

3. The counsel appearing for the 2nd respondent has filed a memo seeking some time for filing the report. If they had already inspected the area and recorded their observations and findings, then they need only to answer the objections raised by the project proponent regarding the findings of the Joint Committee. We don't think that it may require for such a long time as sought for in the memo. They wanted time upto September 2022, but they forget the fact that the matter is of the year 2020 and being a regulatory authority, they themselves ought to have taken appropriate action if there is any violation noticed. They have waited for the applicant to come to the Tribunal and go on asking for time. That shows the lethargic attitude on the part of the regulators in implementing environmental laws which cannot be appreciated. We are not inclined to grant time till September 2022 and they are directed to file the report to this Tribunal on or before 26.08.2022 by e-filing in the form of searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.

4. The Registry is directed to communicate this order to the official respondents members of the joint committee and also to the Director of

Mining and Geology Department for their information and also for compliance of the direction.

- 5. For consideration of further report and also for hearing, post on 26.08.2022.

.....J.M.
(Justice K. Ramakrishnan)

SD/-

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No.155/2020 &
02.08.2022. Sr.



Mining and Geology Department for their information and also for compliance of the direction.

5. For consideration of further report and also for hearing, post on 26.08.2022.

.....J.M.
(Justice K. Ramakrishnan)

SD/-

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No.155/2020 &
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Item No.06:

Court No - 1

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

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IN THE MATTER OF

Vijeesh Kumar

Thiruvananthapuram

...Applicant(s)

Versus

Union of India and others

...Respondent(s)

Date of hearing: 02.08.2022.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SAIYAGOPAL KORUPATI, EXPERT MEMBER

For Applicant(s):

Ms. Deepa represented

Mr. P.B. Sahasranaman

For Respondent(s):

Mrs. Me. Saraswathy for R1

Mr. Saravanan represented

Mrs. Vidhyalakshmi Vipin for R2

Mr. Philip J. Vettickattu &

M/s. Sajitha George for R3

Mr. G. Vignesh represented

Mr. E.K. Kumaresan for R4.

ORDER

1. As per order dated 30.05.2022, this Tribunal had directed the Joint

Posted on 26.08.2022



SN2 OA 155/2020

നമ്പർ

കേരള അഡ്വക്കേറ്റ് ജനറലിന്റെ കാര്യാലയം,
എറണാകുളം, കൊച്ചി-682 031

പ്രേഷിതൻ

അഡ്വക്കേറ്റ് ജനറൽ
കേരളം

ഫോൺ { 0484 2395050
2395052
2395078
ഫാക്സ് : 0484 2394674

E-mail : advocategeneralkerala@gmail.com

12.08.2022

തീയതി

To

The Director of Mining and Geology,
Directorate of Mining and Geology,
Kesavadasapuram, Pattam Palace,
Thiruvananthapuram - 4.

Sir,

- Sub:- OA 155/2020 – Vijeeshkumar Vs. Union of India and others – Copy of order forwarding of - reg.
- Ref:-
1. Your letter No. DMG/7857/21-M2 dated 29.03.2022.
 2. This office letter of even No. dated 25.08.2021.
 3. Order dated 02.08.2022 of the Honourable National Green Tribunal, Chennai.

.....
Inviting attention to the reference cited, I am directed to forward herewith a copy of the 3rd reference order, for information and further necessary action.

Yours faithfully,
Sd/-
V.S.Rajesh Kumar
Deputy Secretary
PEN 353772
For Advocate General
Phone No. 0484 2564930

Encl: as above.

Approved for issue

M. Jayanth
Section Officer

R.12.08.2022

12/8

രജിസ്ട്രേഷൻ

നമ്പർ : 3445/ഡിഒറ്റി/എംഎൽ/2019

മൈനിങ് & ജിയോളജി വകുപ്പ്
ജില്ലാ ആഫീസ്, തിരുവനന്തപുരം
കേശവദാസപുരം, പട്ടം പാലസ് പി.ഒ.,
email : geo.thi.dmg@kerala.gov.in
Phone: 0471-2442055
തീയതി :07.09.2021

ഡിമാന്റ് നോട്ടീസ്

വിഷയം:- മൈനിങ് & ജിയോളജി - ഖനിയും ഖനിജങ്ങളും - ചെറുകിട ധാതു -
അലങ്കാരവിതാനശില/കരിങ്കല്ല് -ബഹർ സോണിൽ നിന്നും അനധികൃത
ഖനനം നടത്തിയത് നിയമനടപടി സ്വീകരിക്കുന്നത് - സംബന്ധിച്ച്.

- സൂചന:-
1. 2015-ലെ കേരള മൈനർ മിനറൽ കൺസർവ്വേഷൻ ചട്ടങ്ങൾ
 2. ഡയറക്ടർ ഓഫ് മൈനിങ് & ജിയോളജിയുടെ 19.08.2015 ലെ 373/2015-16/1723/എം3/2015 നമ്പർ ഉത്തരവ്
 3. ഈ ആഫീസിന്റെ 06.11.2020, 04.08.2011 തീയതികളിലെ സ്ഥലപരിശോധന
 4. 12.11.2020 ലെ മേൽ നമ്പർ കാരണം കാണിക്കൽ നോട്ടീസ്

മേൽ സൂചനകൾ ശ്രദ്ധിക്കുക. നെടുമങ്ങാട് താലൂക്കിൽ മാണിക്കൽ വില്ലേജിൽ റീസർവ്വെ നമ്പർ 469/4-3-4, 4-3-3, 4-2, 4-1-1, 4-1-2 ൽ പെട്ട സ്ഥലത്ത് സൂചന (2) ആയി ഡയമൻഷൻ സ്റ്റോൺ ഖനനം ചെയ്യുന്നതിനുള്ള അനുമതി നൽകിയിരുന്നു. ഈ ആഫീസിൽ നിന്നും 06.11.2020 നടത്തിയിട്ടുള്ള പരിശോധനയിൽ ഗ്രാനൈറ്റ് ബിൽഡിംഗ് സ്റ്റോൺ-ഡയമൻഷൻ സ്റ്റോൺ കോമൺ ലീസ് ഏരിയയിൽ നിന്നും 3570 മെട്രിക് ടൺ GBS-GDS ഖനനം ചെയ്തിട്ടുള്ളതായും ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ ലീസ് ഏരിയയുടെ വടക്ക് ഭാഗത്തുള്ള ബഹർ സോണിൽ നിന്നും 262.5 മെട്രിക് ടൺ ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ ഖനനം ചെയ്തിട്ടുള്ളതായും ബോധ്യപ്പെട്ടതിന്റെ അടിസ്ഥാനത്തിൽ സൂചന (3) ആയി താങ്കൾക്ക് ഹിയറിങ് നോട്ടീസ് നൽകിയിരുന്നു. ഗ്രാനൈറ്റ് ബിൽഡിംഗ് സ്റ്റോൺ, ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ കോമൺ ബൗണ്ടറിയിൽ നിന്നും താങ്കൾ അനധികൃത ഖനനം നടത്തിയത് ഗ്രാനൈറ്റ് ബിൽഡിംഗ് സ്റ്റോൺ ആയാണോ ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ ആയാണോ എന്ന് പരിശോധിക്കുന്നതിന്റെ ഭാഗമായി ഈ ആഫീസിൽ നിന്നും 04.08.2021 ന് നടത്തിയ പരിശോധനയിൽ താങ്കൾ ഗ്രാനൈറ്റ് ബിൽഡിംഗ് സ്റ്റോൺ ആയാണ് അനധികൃത ഖനനം നടത്തിയതെന്ന് ബോധ്യപ്പെട്ടിട്ടുണ്ട്. ആയതിന്റെ വിശദാംശങ്ങൾ താഴെ കൊടുക്കുന്നു.

- a. ഗ്രാനൈറ്റ് ബിൽഡിംഗ് സ്റ്റോൺ, ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ കോമൺ ബൗണ്ടറിയിലെ ബഹർ സോണിൽ നിന്നും അനധികൃത ഖനനം നടത്തിയ ഗ്രാനൈറ്റ് ബിൽഡിംഗ് സ്റ്റോൺ ന്റെ അളവ് =3570 MT
- b. ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോൺ ലീസ് ഏരിയയുടെ ബഹർ സോണിൽ (469/4) നിന്നും അനധികൃത ഖനനം നടത്തിയ ഗ്രാനൈറ്റ് ഡയമൻഷൻ സ്റ്റോണിന്റെ അളവ് = 262.5MT

3570MT കരിങ്കല്ലിന്റെ റോയൽറ്റി (3570x24) = 85,680/-

വില 3570x48 = 1,71,360/-

262.5 MT അലങ്കാര വിതാനശിലയുടെ റോയൽറ്റി 262.5x2400

വില = ₹6,30,000/-

= 262.5x4800

= ₹12,60,000/-

പിഴ = 25,000/-

ആകെ = 21,72,040/-

=====

നെടുമങ്ങാട് താലൂക്കിൽ മാണിക്കൽ വില്ലേജിൽ റീസർവ്വെ നമ്പർ 469/4-3-4, 4-3-3, 4-2, 4-1-1, 4-1-2 ൽ പെട്ട സ്ഥലത്ത് അനുവദിച്ചിട്ടുള്ള ഗ്രാനൈറ്റ് ഡയമണ്ട്ഷൻ സോറോൺ ലീസ് ഏരിയയുടെ 3570MT കരിങ്കല്ലും ടി ലീസ് ഏരിയയുടെ സർവ്വെ നമ്പർ 469/4 ൽ പെട്ട ബഹർ സോണിൽ നിന്നും 262.5 MT അലങ്കാരവിതാനശിലയും അനധികൃതമായി വനനം ചെയ്ത കടത്തിയതിന് റോയൽറ്റിയും വിലയും പിഴയും ഉൾപ്പെടെ ആകെ 21,72,040/- ഈ നോട്ടീസ് ലഭിച്ച് 59 ദിവസത്തിനുള്ളിൽ ആഫീസിൽ ഹാജരായി ചെയ്യാൻ കൈപ്പറ്റി ട്രഷറിയിൽ ഒടുക്കി അസൽ ചെയ്യാൻ ഹാജരാക്കേണ്ടതാണ്. അല്ലാത്ത പക്ഷം താങ്കൾക്കെതിരെ ഇനിയൊരു അറിയിപ്പ് ഇല്ലാതെ തുടർനടപടികൾ സ്വീകരിക്കുന്നതായിരിക്കുന്നതാണെന്ന് ഇതിനാൽ അറിയിക്കുന്നു.

ജിയോളജിസ്റ്റ്

To
Sri Reghunadhan Kunju Krishnan
M/S Covenant Stones Pvt Ltd
Katta, Cheeranikkara P.O.
Vembayam
Thiruvananthapuram

09/09/21