

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

**ORIGINAL APPLICATION No. 17 OF 2023 (SZ)**

**IN THE MATTER OF:**

Link Valley Residents Association,  
Rep by its General Secretary, Kochi.

...Applicant

v.

Union of India, MOEF & CC,  
Rep by its Deputy Director General of Forests (C), Bangalore and Ors.

...Respondents

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<b>Sl. No.</b>	<b>Description</b>
1	Reply filed on behalf of the State Environment Impact Assessment Authority (SEIAA), Kerala.

Dated at Chennai on this 17<sup>th</sup> day of May, 2023

*Vidyalakshmi Vipin*

**COUNSEL FOR 2<sup>ND</sup> RESPONDENT**

**VIDYALAKSHMI VIPIN**

Standing Counsel for SEIAA, Kerala and KSBB  
No.GF-A, 19, Casa Major Road, Egmore, Chennai -600 008.  
Mobile :- +91-91767 90131  
E-mail: vidyalakshmij@wialegal.com

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**REPLY FILED ON BEHALF OF THE 2<sup>ND</sup> RESPONDENT**

I, Babitha A, wife of Mr. Nahas N, aged 53 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby solemnly affirm and sincerely state as follows:-

**1.** I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply on behalf of the 2<sup>nd</sup> Respondent. I crave leave of the Hon'ble Tribunal to reply as and when additional facts are available to the Respondent.

**2.** It is submitted that this respondent denies all the allegations and averments raised by the Applicant except that are specifically admitted. It is submitted that the 2<sup>nd</sup> Respondent submit certain facts, which are necessary for the present appeal, are placed hereunder in seriatim.

**3.** It is submitted that the reply in parawise is traversed herein below :-

1. No Comments.

2. It is submitted that the Sri. Thankachan Thomas V., Sr. Vice President, No. 32, Bay Pride Mall, Marine Drive, Cochin, vide his application dated 09-09-2014, applied for the Environmental Clearance under EIA Notification, 2006, for the Town ship and area development project 8(b) in Sy. Nos. 671/1, 674/1, 675/4 at Kakkanad Village, Kanayanoor Taluk, Ernakulam, Kerala and the same was issued with EC dated 30-01-2017 and the validity of EC will expire on 29-01-2024.



**BABITHA. A**  
Deputy Secretary to Govt & Legal Officer  
State Environment Impact Assessment Authority  
4<sup>th</sup> Floor, KSRTC Terminal Complex  
Thiruvananthapuram Phone : 0471-2334262

3 & 4. It is submitted that it was mentioned in the Field Inspection Report of SEAC, that the low lying central part of the area being flat and part of flood plain can receive very large quantity of water during the rainy period from the upper catchment resulting in partial flooding. The storm drainage planned appears inadequate to accommodate peak flood. It must be widened with connectivity to the existing storm water drain on the eastern side. The Project Proponent has submitted plan for widening the drains and the committee after verifying decided to recommend to issue EC. As per the decision of 58<sup>th</sup> SEIAA meeting held on 08-09-2016 EC was recommended on the condition laid in the Field Inspection Report as well as the general and specific conditions. The project Proponent vide his affidavit dated 1-02-2017 assured that he will scrupulously follow all the conditions in the EC.

5 & 6 As per the EC, the instances of violation if any shall be reported to District Collector, Ernakulam to take legal action under EP Act 1986.

7. The 2<sup>nd</sup> respondent issued EC subject to mitigate all the environmental impacts assessed as per EIA report and EMP. All such conditions were incorporated in the EC for the same. Besides the assurances and proposals submitted by the Project Proponent to safeguard the environment due to the projects were also part of the EC. The Project Proponent is bound to comply with all the conditions stipulated in the EC, mitigation measures in the EIA and EMP & other additional plans which were appraised and approved by SEAC/SEIAA during the appraisal process for the issuances of EC. To mitigate any unforeseen mishaps due to climate change or such events the Authority imposed the following conditions in the EC.

Site inspection conditions

- a. *The buildings are planned at different levels involving cutting of slopes. The excavation plan was explained but the plan with section and road levels are not provided. Excavation should be minimised and excavated material should be used for internal development.*
- b. *Considering the stability of the upper segment closer to the main road, excavation must be made in the form of benches of height not exceeding 4 m and over all slope not exceeding 45 degrees. Adequate toe support must be provided with reinforcement especially when clay layers are exposed.*



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- c. *The low lying central part of the area being flat and part of flood plain can receive very large quantity of water during the rainy period from the upper catchment resulting in partial flooding. The storm drainage planned appears inadequate to accommodate peak flood. It must be widened with connectivity to the existing storm water drain on the eastern side.*

Green Building Conditions

- a. There shall be RWH facility with adequate capacity.
- b. Technology and capacity of the STP to be indicated with discharge point (if any) of the treated effluent water not conforming to specifications shall not be let out water bodies.
- c. Maximum reuse of grey water for toilet flushing and gardening and construction work shall be ensured.
- d. Dual plumbing for flushing shall be done.

Specific condition (Construction phase)

1. All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.
2. Storm water control and its re-use per CGWB and BIS standards for various applications.
3. Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water.

Specific condition (Operating Phase)

- a. Weep holes in the compound walls shall be provided to ensure natural drainage of rain water in the catchment area during the monsoon period.
- b. Rain water harvesting for roof run-off and surface run-off, as plan submitted should be implemented. Before recharging the surface run-off, pretreatment must be done to remove suspended matter, oil and grease. The borewell for rain water recharging should be kept at least 5 mts. above the highest ground water table.

The proponent had assured to comply with all conditions & directions suggested by SEIAA through a notarized affidavit.



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8. It is submitted that the complaint received from Link Valley Residents Association was placed in the 113<sup>th</sup> SEIAA meeting held on 19<sup>th</sup> & 20<sup>th</sup> April 2022. The Authority observed that since the proponent has not submitted the Half Yearly Compliance Report the Project Proponent was directed to submit the same within one month along with the explanation for the allegations raised in the complaint. Also Secretary, Thrikkakara Municipality was directed to take necessary action for violation of KMBR, 2019. Authority's decision and the Complaint were forwarded to the District Collector, Ernakulam, for verification and also for necessary follow up actions, since the District Collector is responsible to take action against violation of EC conditions as per EP Act 1986.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the plea and pass such order or orders as this Hon'ble tribunal may deem fit and proper in circumstances of the case and thus render justice.

Dated at Chennai on this the 6<sup>th</sup> day of May, 2023.

**2<sup>ND</sup> RESPONDENT**



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**VERIFICATION**

I, Babitha A, wife of Mr. Nahas N, aged 53 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of the above paras are true to the best of my personal knowledge and above paras believed to be true on legal advice and that I have not suppressed any material fact.

Dated at Chennai on this the 6<sup>th</sup> day of May, 2023.

**2<sup>ND</sup> RESPONDENT**



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