

**Pre.on: 13-09-2021**

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

**ORIGINAL APPLICATION NO.173/2021 (SZ)**

Applicant

:: Tribunal on its own motion –SUO MOTU

based on news paper item in The Mathrubhumi  
Malayalam News Paper , Chennai edition dated,  
05-07-2021, "30 crore worth quarry , fine is  
merely 4.5 crore "

Versus

Respondents

:: The Chairman, Kerala State Pollution  
Control Board & Others

**REPLY STATEMENT FILED BY THE ENVIRONMENTAL ENGINEER,  
KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE,  
IDUKKI, ON BEHALF OF THE 4<sup>th</sup> RESPONDENT IN THE ABOVE  
APPLICATION**

**REMA SMRITHI**

**Standing Counsel for the Kerala State Pollution Control Board**



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

**IN**

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                          Board & Others

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Dated this the 13<sup>th</sup> day of September 2021

**Rema Smrithi** , Advocate  
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT



*8-1w*

**EBY VARGHESE**  
ENVIRONMENTAL ENGINEER

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

**ORIGINAL APPLICATION NO.173/2021(SZ)**

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Respondents :: The Chairman, Kerala State Pollution Control  
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KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE,  
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APPLICATION**

I Eby Varghese,aged 51 years, S/o T.V. Varghese, residing at Perumbavoor, Environmental Engineer, Kerala State Pollution Control Board, District Office, Idukki. I am duly authorised to reply on behalf of the 4<sup>th</sup> Respondent in the above application. I do solemnly affirm and state as follows.

1. It is most respectfully report that Tribunal on its own motion - SUO MOTU based on a news paper item in The Mathrubhumi Malayalam News Paper , Chennai edition dated 05-07-2021" 30 crore worth quarry , fine is merely 4.5 crore "at the Hon'ble National Green Tribunal. Board is the 4<sup>th</sup> respondent in this case.
2. The Hon'ble National Green Tribunal by order dated 16.08.2021 directed the Joint Committee to ascertain as to whether:
  - i) The persons who had involved in such things had obtained any Environmental Clearance and other permissions .
  - ii) The quantity of minerals that has been extracted illegally, the value of the same and extent of damage caused on account of such illegal quarrying .



*B. I. W.*

**EBY VARGHESE  
ENVIRONMENTAL ENGINEER**

iii) Assess the environmental damage caused and identify the persons who were responsible for the same.

3. In the matter of alleged illegal quarrying due to Road expansion to Gap Road, Devikulam Munnar. During the inspection by the Joint Committee on 25.08.2021 to the site where the alleged illegal quarrying was conducted, it was noticed that the Road widening work of NH 85 (NH49) (Kochi-Dhanushkodi) is in progress.

4. In this regard I may report the further actions to be initiated for the assessment of environmental damages caused on account of illegal quarrying. The term environmental damage is linked with serious cases of pollution, contamination and lose of biodiversity and is often dealt with environmental liability regulation through ecological/ environmental compensation under the ambit of "Polluter Pays Principle". In the assessment of environmental damage, adequate ecological compensation is charged upon the defaulters to the extent that the loss to the environment is recovered so as to restore, rehabilitate, decontaminate and enhance the concerned environment

5. Hence the environmental compensation imposed for environmental damages essentially includes restoration/rehabilitation expenses, fine/penalty/for the activities which caused the environmental damages and the expenses incurred for identifying the extent of environmental degradation.

6. But the environment and ecosystem being complicated in nature, it is a difficult task to assess the actual damages caused due to the human activities.

7. Hence the assistance of an expert agency like Central Pollution Control Board may be sought along with the respondent Kerala State Pollution Control Board in this case for the assessment of damage to the environment due to the alleged mining activity.

8. All statements made above are true to the best of my knowledge information and belief.



Deponent

**EBY VARGHESE**  
ENVIRONMENTAL ENGINEER

**Verification**

Verified on this 13<sup>th</sup> day of September 2021 that contents of the above reply affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed then from.



*P I MD*  
Deponent

**EBY VARGHESE**  
**ENVIRONMENTAL ENGINEER**