

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 173 OF 2021 (SZ)**

**REPORT SUBMITTED BY THE DISTRICT COLLECTOR, IDUKKI / 5TH
RESPONDENT**

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Dated at Chennai on this the 10th day of November, 2021.

M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench



നമ്പർSN2 ---GA.173/2021

കേരള അഡ്വക്കേറ്റ് ജനറലിന്റെ കാര്യാലയം,
എറണാകുളം, കൊച്ചി-682 031

പ്രേഷിതൻ

അഡ്വക്കേറ്റ് ജനറൽ
കേരളം

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20/09/2021

To

തീയതി

Sri. Kumaresan,
Standing Counsel,
National Green Tribunal, Chennai,
M/s. EKK Legal,
No. 6, Indian Chamber (SICCI),
Annex Building, Ground Floor,
Explanade, Chennai-600 108.

Sir,

Sub:- OA 173/2021 of Hon'ble National Green Tribunal.

- Ref:-
- 1) E-mail dated 07/09/2021 from, Geologist, Department of Mining & Geology, Idukki.
 - 2) Letter No. file No. RDODVM/1364/2021-B2 dated 09/09/2021 from Sub Collector, Devikulam.
 - 3) Letter No. file No. DCIDK/829/2018-E9 dated 12/09/2021 from District Collector, Idukki.
 - 4) Document marked as Annex IV of Environment clearances.

Kind attention is invited to the references cited above, I am directed to forward herewith copy of reports in the aforesaid matter for further necessary action.

Yours faithfully,
Sd/-
RAJESHKUMAR. V.S.
Deputy Secretary
(0484 2564930)
For Advocate General

Encl: As above.

Approved for Issue

Section Officer.

3/22.9.21

O/o District Collector, Idukki
Painavu P.O, Kuyilimala – 685603
Phone : 04862-232242, 04862-232303
E-mail : dcidk.ker@nic.in, Fax : 04862-233101
Dated: 12/09/2021

District Collector,
Idukki

Advocate General
Ernakulam

Sir,

Sub:- NGT (SZ) O.A.173/2021-Suo Motu in the matter of News item
published in the news paper

Ref:- Letter No. SN2 OA 173/21 dated 11.08.21 of that office

Please refer to the above.The report of OA 173/21is
submitted here with for necessary action.

Yours faithfully,

Signature Not Verified
DISTRICT COLLECTOR
Digitally signed by SHEEBA GEORGE
Date: 2021.09.12 19:39:20 IST
Reason: Approved

THE GOVERNMENT OF KERALA

SECRET

Report Submitted by District Collector Idukki in O.A.173/2021(SZ) of NGT Chennai

The Kochi-Dhanushkody National Highway(N.H 85)is passing through Devikulam and Udumbanchola Taluks in Idukki district.Now the road widening process is going on from Munnar to Bodimet.As part of this process National Highway authorities conducting this work through their contractor. It is carried out under PWD N.H division Muvattupuzha and is supervised by NH Sub division Devikulam. Even though this work was awarded to M/s Dinesh Chandra Agarwal infracon Pvt.Ltd,it is carried out by their subcontractor M/S Greenworth infrastructures Pvt Ltd.

When allegations were raised about the illegal rock mining in Munnar -Chinnakanal Gap road portion a meeting was conducted on 11/06/2021 in this office by district collector with concerned - officers such as Sub Collector Devikulam,Geologist Idukki,Tahsildars Devikulam and Udumbanchola, Executive Engineer N.H.Division Muvattupuzha and Assistant Executive Engineer N.H. SubDivision,Devikulam and directions were given to Tahsildars of Udumbanchola and Devikulam Taluks to survey the disputed area to ascertain the quantum of illegal mining and submit report within time limit.Devikulam Sub collector was authorised to supervise this work.

The Sub Collector Devikulam has informed that they have given direction to the geologist to ascertain the value of illegal rock mined, based on the reports of Taluk LR Tahsildars of Udumbanchola and Devikulam.After getting report from geologist , sub collector reported on 02/07/21 that quantity of rock illegally extracted comes to 251289.33 cubic meters which is equivalent to 628223.33metric tonne as one cubic meter of granite(Building stone) weighs 2.5metric ton and the total amount including Royalty and price to be realized as per rule 108(2) of KMMC Rules 2015 is estimated to rupees 4,52,32,078/-(Four crore fifty two lakh thirty two thousand and seventy eight only). Based on this report direction has been given to the geologist Idukki on 10.07.2021 to realise the

said amount along with GST and the amount as per the rate of PWD market value. Also instruction has been given to Tahsildar ,Udumbanchola to initiate actions against illegal extraction of rock under the Kerala Land Conservancy act.Consolidated report has been submitted to government by District collector describing the action taken in this regard on 12.07.2021

The geologist further reported that their office has initiated actions against the contractor concerned, M/S Greenworth infrastructures Pvt.Ltd to recover the said amount.

Signature Not Verified
District Collector, P.A. Idukki
Date: 2021.09.12 19:40:40 IST
Reason: Approved

**Annex- IV
(Schedule - A)**

Environment Clearances

The environment clearances for this project are not required.

As per Govt. MoEF notification No. 21-270/2008 IA/III dated 22nd August 2013, the project road falls under: Expansion of National highways Less than 100km involving additional right of way or land acquisition not exceeding 40m on existing alignment and 60m on realignment or bypasses. Hence Environmental clearance is not required for this project.


CHIEF ENGINEER
National Highways
Public Works Department
Thiruvananthapuram



Forests (MoEFCC) on the recommendations of an Expert Appraisal Committee (EAC) constituted by the Central Government;

All Highway projects included as Category 'B' in the above Schedule which fulfill the General Conditions (GC) stipulated in the Schedule, require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA bases its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC). In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project.

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For the sake of clarity, Environment Clearance is not required in following cases:

1. Road development projects other than State Highways and National Highways
2. State Highway widening projects located below an altitude of 1000m AMSL
3. State Highway widening projects not located in an ecologically sensitive area
4. National Highway widening projects of upto 100 km length
5. National Highway widening projects of more than 100 km length involving additional right of way or land acquisition upto 40m (at any place) on existing alignment and 60 m (at any place) on re-alignments or bypasses.

"New National Highways", though not defined anywhere, is understood to mean Greenfield projects

2.2 Procedure for Environment Clearance

Since April 2014, MoEFCC has developed a single window web portal for all Environmental clearances. The portal is known as, 'Online Submission & Monitoring of Environmental, Forest and Wildlife Clearances (OSMEFWC). The project authorities need to register on the Portal. After successful registration, the application for seeking Terms of Reference (TOR) for conducting the Environment Impact Assessment for the Project, or for seeking Environment Clearance (EC) may be uploaded online. The step-wise process for uploading the applications is provided on the Portal.

Along with the online submission, the Project Authorities are also required to submit hard copies of the applications and other documents. The Procedure for submission of application for obtaining prior Environment Clearance for Highway Projects is defined below:

The project proponent submits application [to MoEF&CC for category A projects and to the SEIAA for category B projects] in prescribed Form 1 (Annexure 1) including proposed Terms of Reference for carrying out EIA along with Feasibility Report before commencing any construction activity or preparation of land at site by the applicant.

The Process can best be divided into four stages:

- Screening [Only For Category B Projects]