

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

ORIGINAL APPLICATION NO.173/2020 (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 4th RESPONDENT IN THE ABOVE
APPLICATION**

REMA SMRITHI

Standing Counsel for the Kerala State Pollution Control Board .



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BEFORE THE HONORABLE NATIONAL GREEN TRIBUNAL,

SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION NO. 173/2021 (SZ).

Applicant :: In the matter on its own motion – SUOMOTU based on the news item in the Mathrubhumi Malayalam news paper, Chennai Edition dated 05.07.2021, “30 crore worth quarry, fine is merely 4-5 crore”

Versus

Respondent(s) :: The Principle Secretary to govt. of Kerala, Department of Environment, Room No. 406 4th floor, Annexure, Thiruvananthapuram – 695001 and other

INTERIM REPORT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, IDUKKI ON BEHALF OF THE 4TH RESPONDENT IN THE ORIGINAL APPLICATION NO. 173/2021 (SZ).

I Eby Varghese, aged 50 years, S/o T.V.Varghese residing at Perumbavoor, Environmental Engineer, Kerala State Pollution Control Board, District Office, Idukki. I am duly authorized to reply on behalf of the 4th respondent in the above application. I do solemnly affirm and state as follows.

- 1) This report is submitted in continuation to the report submitted on 13.09.2021 and in accordance with the order dated 11.11.2021 in the Original Application. The issue for consideration in the Original Application is regarding illegal quarrying done in connection with road expansion in Gap Road. Gap Road is a part of the Kochi - Dhanushkodi, National Highway (NH 85) passing through Devikulam and Udumbanchola Taluks in Idukki District Kerala.

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- 2) As per the order of the Hon'ble NGT dated 10.08.2021 a joint committee consisting of the Sub Collector Devikulam, an officer from the Mining and Geology Department and an officer from the Kerala State Pollution Control Board is constituted.
- 3) As per para 8 and 9 of the order dated 10.08.2021 the committee was directed to ascertain the following:-
- i. The person who had been involved in such things had received any Environmental Clearance and other permissions.
 - ii. What is the quantity of minor minerals that has been extracted illegally, value of the same and extent of damage caused by on account of such illegal quarrying.
 - iii. Assess the environmental damage caused and identify the persons who were responsible for the same.
 - iv. Apply the Principle of fixing environmental compensation as directed by Hon'ble Supreme Court in the case of tree cutting, namely assess the value of the mineral illegally extracted at present market value and the damage caused on account of such illegal quarrying, the amount required for restoring the same to its original shape.
- 4) The joint committee conducted its first meeting on 24.08.2021 and verified records. Site inspection was conducted on 25.08.2021. Based on the site inspection and the documents collected the joint committee has submitted a preliminary report before the Hon'ble Tribunal.
- 5) By the order dated 11.11.2021 the Hon'ble Tribunal directed the Kerala State Pollution Control Board to file a report as to whether any quarrying has been done, if so whether the person has any necessary permission for quarrying. The Hon'ble Tribunal also directed the respondent Board to assess the nature of violation committed by the persons responsible for such illegal quarrying and submit action taken report.



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- 6) It is most respectfully submitted that the removal of rocks is done for the road widening work only and there is no prevailing circulars of the Board regarding such works for road widening.
- 7) For assessing environmental damage more data is required which are to be collected by more field inspections and from various department such as Revenue, Agriculture, Mining and Geology, Ground Water Department, Biodiversity Board and PWD who has awarded this work to the Contractor . This requires more time to collect data from various departments. Another committee with officials of the above mentioned departments may be constituted for the said purpose.
- 8) Hence it is humbly requested to allow 3 months time to submit the said report on preparation of environmental damage assessment and compensation.

All that stated above are true to the best of my knowledge information and belief.

Verification

Verified on this 8th day of December 2021 that contents of the above reply affidavit are true and correct to the best of my knowledge information and belief. No part of it is false and nothing material has been concealed then from.

EBY VARGHESE



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Solemnly affirmed and signed by the deponent who is known to me on this 8th day of December 2021.

