

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

ORIGINAL APPLICATION NO.188 OF 2021

BETWEEN

S.Sakthivel,
Environmental Protection & Anti-Pollution Group
S/o. PK Subramaniam,
Alagu Vinayakar Kovil Street,
Fairlands, Salem – 636016.

...Applicant

AND

Ministry of Environment, Forest & Climate Change (MoEF & CC),
Rep. by its Secretary to Government,
Union of India,
Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi – 110 003 & Ors.

...Respondents

REPLY FILED ON BEHALF OF THE 3RD RESPONDENT

VIDYALAKSHMI VIPIN

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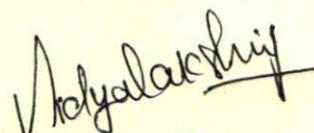
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Dated at Chennai on this 25th day of April, 2022


COUNSEL FOR 3RD RESPONDENT

①

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CHENNAI**

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REPLY FILED ON BEHALF OF THE 3RD RESPONDENT

I, **RANI R.S.**, wife of Mr. Prabodh Chandran, aged about 45 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 3rd Respondent. I crave leave of the Hon'ble Tribunal to file 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 against this Respondent except that are specifically admitted. It is submitted that the Respondent submit certain facts, which are necessary for the present Application, are placed hereunder in seriatim.
3. It is submitted that this Reply Affidavit is a short reply to the Application and not intend to be a paragraph-wise reply to the same. This Respondent craves the liberty to file the supplement Reply Affidavit with paragraph wise response, if required and/or directed by this Hon'ble Tribunal.



Rani R.S.

RANI. R.S
Deputy Secretary to Govt. &
Legal Officer
State Environment Impact Assessment Authority
4th Floor, KSRTC Bus Terminal Complex
Thiruvananthapuram-1
Ph: 0471-2334262

4. It is submitted that this Respondent is the Authority has been constituted by Government of India authorising to deal with Environmental Clearance(EC) for projects falling under category "B" of schedule in EIA notifications 2006. It doesn't have the Authority or power and is also not equipped with to inspect projects/constructions and to verify EC requirement status of the projects/constructions. It is submitted that this Respondent cannot ascertain the extent of construction of the project unless any application is before this Respondent. It is submitted that the data on EC requirement status of those Medical Colleges that haven't applied for EC cannot be ascertained by this Respondent.
5. It is submitted that this Respondent can only ascertain the status of applications pending before them and also for the applications for which EC is issued.
6. It is submitted that the concerned District Authority responsible for issuing permits/licenses for the projects/construction is responsible for verifying whether EC is also a requisite for a particular construction/project for which the permit/license is being sought for and ensuring if the same has been obtained before issuing such permits/license. It is submitted that action on construction without complete and valid documents are to be taken by the corresponding Local Self Governing bodies/ Districts Authorities. It is submitted that out of the 15 Medical Colleges referred in the present OA, only three of them applied for EC before this Respondent and the details are given below:-

Sl. No.	Description	Status
1	MES Medical College & Hospital, Nilambur.	Date of filing the Application is 20/2/2016. Withdrawn the EC application on 11.06.2020. As per the application, area of construction is 35,936.59 sq.m.
2	KMCT Medical College Campus, Kozhikkode.	Application received on 19/12/2017 and is under process. The additional essential documents sought



RANI
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 Deputy Secretary to Govt. &
 Legal Officer
 State Environment Impact Assessment Authority
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		for from the project proponent is yet to be received. As per the application total built up area is 42,591.64 sq.m.
3	Al- Azhar Medical College & Super Specialty Hospital, Thodupuzha.	Date of Application- 29/7/2020. Date of rejection - 19/2/21. After rejection, they again applied for ToR on 28/6/2021. (Rejection order and the minutes are attached herewith).

7. It is submitted that admittedly RTI was filed by the Petitioner to this Respondent and same was replied by this Respondent vide RTI dated 04.06.2021 and same part of the Petitioner's Application.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to pass an appropriate 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 25th day of April, 2022

R. Ramesh

3RD RESPONDENT

VERIFICATION

I, **RANI R.S.**, wife of Mr. Prabodh Chandran, aged about 45 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of paras 1 to 6 are true to the best of my personal knowledge and paras 1 to 6 believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 25th day of April, 2022.

3RD RESPONDENT

R. Ramesh

RANI. R.S
Deputy Secretary to Govt. &
Legal Officer
State Environment Impact Assessment Authority
4th Floor, KSRTC Bus Terminal Complex
Thiruvananthapuram-1
Ph: 0471-2334262





**Proceedings of the
State Environment Impact Assessment Authority Kerala,
Thiruvananthapuram**

Sub: SEIAA- Expansion of Hospital Project, "Al-Azhar Medical College and Super Speciality Hospital" at Kumaramangalam Village, Thodupuzha Taluk, Idukki, Kerala – REJECTED – Orders issued.

STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY, KERALA

SLA/KI/NCP/55155/2020, 1780/EC3/2020/SEIAA Dated, Thiruvananthapuram 19-02-2021

- Ref:1) Application received on 29-07-2020 through PARIVESH from Al-Azhar Medical College, CEO, Kumaramangalam, Thodupuzha, Idukki.
- 2) Minutes of the 116th SEAC meeting held on 2nd, 3rd and 7th December, 2020.
 - 3) Minutes of the 117th SEAC meeting held on 28th, 29th and 30th December, 2020.
 - 4) Minutes of the 106th SEIAA meeting held on 19th, 20th & 21st January 2021.
 - 5) G.O (Rt) No 29/2019 Envtdated.12.04.2019.

ORDER

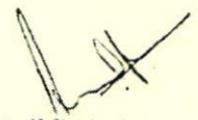
Mr. Pradeep Kumar, CEO, Al-Azhar Medical College, Kumaramangalam, Thodupuzha, Idukki - 685 605 has submitted application for Environmental Clearance via PARIVESH on 29-07-2020 for expansion of Al-Azhar Medical College and Super Specialty Hospital of in Re Survey Nos. 99/5, 100/1, 84/1, 84/3-4, 84/4/2, 84/3/5, 84/3/1, 84/1-1, 406/5, 406/1, 84/3-1, 84/4-1, 84/3/2, 404/1, 404/3, 88/3, 88/2, 88/1, 406/3, 406/6, 89/7, 82/2, 89/6, 398/3, 398/9, 405/1 in Kumaramangalam Village, Thodupuzha Taluk, Idukki District, Kerala.

2. The proposal was placed in the 116th SEAC meeting held on 2nd, 3rd and 7th December, 2020. The Committee decided to invite the proponent for hearing.

3. The proposal was placed in the 117th SEAC meeting held on 28th, 29th and 30th December, 2020. The Committee heard the proponent. The Committee expressed the inability to take up the proposal since the date of application is after the window period and hence proposals involving violation cases cannot be considered at the State level.

4. The proposal was placed in the 106th SEIAA meeting held on 19th, 20th & 21st January 2021. Authority decided to reject the proposal as recommended by SEAC and inform the same to the Project Proponent quoting the reason given by SEAC for rejection and Notifications relevant for Violation proceedings.

5. In the above circumstances, the application received from Mr. Pradeep kumar, CEO, Al-Azhar Medical College, Kumaramangalam, Thodupuzha, Idukki, for expansion of Al-Azhar Medical College and Super Specialty Hospital of Re Survey Nos. 99/5, 100/1, 84/1, 84/3/4, 84/4/2, 84/3/5, 84/3/1, 84/1/1, 406/5, 406/1, 84/3/1, 84/4/1, 84/3/2, 404/1, 404/3, 88/3, 88/2, 88/1, 406/3, 406/6, 89/7, 82/2, 89/6, 398/3, 398/9, 405/1 in Kumaramangalam Village, Thodupuzha Taluk, Idukki District, Kerala is hereby **REJECTED** as per the reasons mentioned in Para 3rd & 4th of this proceedings.



Anil P. Antony
Administrator, SEIAA
For Member Secretary, SEIAA

To,
Mr. Pradeep Kumar,
CEO, Al-Azhar Medical College,
Kumaramangalam,
Thodupuzha, Idukki- 685 605

Copy to:

1. MoEF Regional Office, Southern Zone, Kendriya Sadan, 4th Floor, E&F Wing, II Block, Koramangala, Bangalore-560034 (through e-mail: ros.z.bng-mefce@gov.in).
2. The Principal Secretary to Government, Environment Department, Government of Kerala.
3. The Director, Directorate of Environment & Climate Change, 4th Floor KSRTC Bus Terminal, Thampanoor, Thiruvananthapuram, Kerala 695001.
4. The Director, Mining & Geology, Thiruvananthapuram -4.
5. The Member Secretary, Kerala State Pollution Control Board
6. The District Collector, Idukki
7. The District Geologist, Idukki
8. The Tahasildar, Thodupuzha Taluk, Idukki District, Kerala.
9. The Chairman, SEIAA.
10. Website.
11. S.T
12. O.c

ros

MINUTES OF THE 106th MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA, HELD ON 19th, 20th & 21st January 2021 THROUGH VIDEO CONFERENCING.

- Present:**
1. Dr. H. Nagesh Prabhu IFS (Retd), Chairman, SEIAA, Kerala
 2. Dr. Usha Titus I.A.S, Principal Secretary, Higher Education & Member Secretary, SEIAA
 3. Dr. Jayachandran. K, Member, SEIAA

6) Proposed Expansion of Hospital Project, "Al-Azhar Medical College and Super Speciality Hospital" at Kumaramangalam Village, Thodupuzha Taluk, Idukki, Kerala (Proposal No: SIA/KL/NCP/55155/2020, File No: 1780/EC3/2020/SEIAA)

Al-Azhar Medical College, CEO has submitted an application for expansion of Al-Azhar Medical College and Super Specialty Hospital. The project involves increasing bed strength from 650 to 1200 and includes the vertical expansion of 5 existing buildings, construction of a new building for Nurses Hostel and an MLCP and other amenities. Vertical expansion is proposed for Hospital Block, College Block, Boys Hostel, Girls Hostel and Staff Quarters. The amenity proposed includes Mortuary, Canteen, STP, Sump and Pump Room. Total built up area requiring EC for the proposed expansion 85090.77 m²

The proposal was placed in the 116th SEAC meeting held on 2nd, 3rd and 7th December, 2020. The Committee decided to invite the proponent for hearing. The proposal was placed in the 117th SEAC meeting held on 28th, 29th and 30th December, 2020. The Committee heard the proponent. The Committee expressed the inability to take up the proposal since the date of application is after the window period and hence proposals involving violation cases cannot be considered at the State level.

Authority decided to reject the proposal as recommended by SEAC and inform the same to the Project Proponent quoting the reason given by SEAC for rejection and Notifications relevant for Violation proceedings.

Sd/-
Dr.H. NageshPrabhu IFS (Retd)
Chairman, SEIAA

Sd/-
Dr.Usha Titus I.A.S.
Principal Secretary,
Higher Education Dept. & Member Secretary, SEIAA

Sd/-
Dr.Jayachandran.K
Member, SEIAA