KSPCB/RO (Udupi)/NGT/OA 204/2021-22/ **Date:**

Proceedings of the meeting of the Joint Committee constituted as per the order of the Hon'ble NGT in OA No: 204/2017 (SZ) to verify the compliance status of M/s Mookambika stone crusher and attached quarry located at Sy. no. 176, Yalagoli, Shivapura village, Karkala Taluk, Udupi District held through video conference.

Date and time: 21/09/2021 at 4-30 PM

In the matter of Original Application No 204 of 2017 (SZ) of **Sri. Bhojashetty and another Vs Deputy Commissioner & Ors**., Hon'ble National Green Tribunal (NGT), Southern Bench has passed an order dated 6th February 2020 and appointed a *Joint Committee comprising of District Collector, Udupi District, Senior Officer/Scientist from Regional office, MoEF and CC, Bangalore, State Level Environment Impact Assessment Authority(SEIAA), Karnataka, and Senior Officer from Karnataka State Pollution Control Board, and directed to inspect the area in question and ascertain whether the respondent industry* M/s Mookambika Stone crushers/attached quarry located at sy. no. 176, Yalagoli, Shivapura village, Karkala taluk, Udupi district *is having Environmental Clearance for doing mining in the allocated lease areas, whether the respondent is complying with the conditions imposed in Environmental clearance as well as consent to operate and other clearances., whether there is any excess mining done, if so, what is the quantity, whether the respondent industry has provided all necessary pollution control mechanism to arrest possible pollution within the prescribed norms, whether there is any damage caused to the nearby houses as alleged by the petitioner on account of the operation of the quarry by the respondent industry and also to ascertain the ambient air quality as well as water quality in that area and if there is any violation, assess the environmental compensation which has to be collected by the respondent industry and submit a factual and action taken report before the Tribunal.*

In compliance to Hon'ble NGT order, the committee has inspected the location in question on 19.03.2020 and submitted its report to the Hon'ble NGT along with its findings and recommendations on 16.10.2020.

The matter has subsequently come up for hearing on 13.07.2021 and the after hearing the case, the Hon'ble NGT has observed as follows:

10. "The committee has mentioned that quarrying has been done even prior to obtaining Environmental Clearance (EC), but they have not assessed the value of the same and they have not assessed the Page 3 of 5 environmental compensation for unauthorized quarrying said to have been committed by them

11. "That the Environmental Compensation assessed by the State Pollution Control Board for the non-compliance of the conditions which is different from assessing compensation for the actual loss caused to the environment on account of excess mining or unauthorized mining and that will have to be done on the basis of the directions given by the Hon'ble Apex court in **Common Cause Vs. Union of India and Ors. , (2017) 9 SCC 499.** *So, the Committee is directed to submit a further report considering the above aspects to this tribunal before next hearing date" (i.e., 10.08.2021)*

The case was later adjourned to 01.09.2021 and on this day, the Hon'ble NGT has observed that the official respondents have not submitted the action taken reports on the recommendations of the committee and sought this report before the 24th September 2021.

In order to discuss the above issue, a video conference of the committee members was arranged on 21.09.2021 inviting all the members to join the meeting.

The following members attended the said video conference

Sl No.	Name and designation of the officer	
1	Deputy Commissioner, Udupi District	Chairman
2	Sri. Ramesh D Naik, Senior Environmental Officer, KSPCB, Mangalore	Member
3	Sri. Sandeep, Senior Geologist, Department of Mines & Geology, Uudpi.	Special Invitee
4	Sri. Ravikumar J K, Scientific Officer, Grade-I, SEIAA & CRZ, Bangalore.	Member
5	Sri Thirunavakkarasu, Scientist E, Ministry of Environment, Forest and Climate Change, Regional Office, Kendreeya Sadana, Koramanagala, Bangalore	Member

5	Smt Vijaya Hegde, Environmental Officer, KSPCB, Udupi	Member Convenor

During the meeting, the Member Convenor welcomed the Deputy Commissioner and all the members of the Committee to the meeting and drew their attention on the orders of the Hon'ble NGT dated 13.07.2021 and 01.09.2021 and informed that the committee has to submit its comprehensive report on the following:

a) Assessment of Environmental compensation for excess/unauthorized quarrying done before the issue of EC for both the mining leases of the respondent industry.
b) Action taken report of SEIAA, Bangalore on the non-compliances observed on the EC conditions.
c) Action taken report of KSPCB for fixing the already assessed Environmental Compensation on the respondent stone crusher industry.

The Deputy Commissioner and the Chairman of the Committee drew the attention of the member who represented the SEIAA to the para 6 to 9 of the order of the Hon'ble NGT dated 13.07.2021which discussed about the proceedings drawn by the SEIAA about cancellation of EC issued to the respondent quarry and asked him to explain the latest status of EC.

To this, SEIAA representative informed that SEIAA has not yet cancelled the EC. He informed that the cancellation of the EC requires an opportunity of being heard to be provided to the respondent quarry owner and in this regard, a subject is placed before the ensuing meeting of the SEIAA and that the action will be taken as per the decision taken during the said meeting. The SEIAA representative informed that action taken report on the committee's recommendations will be submitted only after the meeting of the SEIAA which is scheduled on 27th of this month.

Regarding the action taken report of the KSPCB, the Environmental Officer, Udupi informed that the issue of necessary order fixing the Environmental compensation on the respondent stone crusher is under process at their Corporate Office, she informed that the corporate office is following the procedure before issuing the said order.

On the first point of assessing the Environmental Compensation for excess/unauthorized quarrying done before the issue of EC, Sri Sandeep, Senior Geologist informed that only in one quarry lease, i.e., Quarry lease No. 358, they have observed unauthorized quarrying done before the issue of the EC to the tune of 750 tons and the compensation has to be assessed for this quantity.

Shri Thirunavakkarasu, Scientist E, Ministry of Environment and Forest and CC, and the member of the Joint Committee presented before the Committee, the methodologies of assessing Environmental Compensation for unauthorized mining/quarrying. He informed that the compensation can be assessed either by **"Polluter Pays Principle"** or as per the **Apex Court's order in "Common Cause Vs. Union of India and Ors (2017) 9 SCC 499"**. He showed the calculation for both these cases separately and showed that the Compensation assessed on **"Polluter pays principle"** has the higher value and asked the Committee to decide on the methodology for calculation of Compensation. To this, the Chairman of the Committee opined that it is better to place both methodologies of calculation before the Hon'ble NGT and recommend for the one which gives a higher value of compensation. Chairman directed the representing members from Dept. of Mines and Geology, SEIAA and MoEF and CC to co-ordinate among each other and provides the Committee the final copy of calculation of Environmental Compensation before 22nd of September, 2021 in order to enable the Committee to submit the same before the Hon'ble NGT.

The meeting was concluded with thanks.

21/9/2021

Deputy Commissioner, Udupi & District Magistrate
and Chairman of the Joint committee constituted by Hon'ble NGT