

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

Original Application No. 124/2021

Sibi Joseph

Applicant

Versus

Union of India, Ministry of
Environment, Forests and Climate Change
and Others

Respondents

AFFIDAVIT FILED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE
POLLUTION CONTROL BOARD, DISTRICT OFFICE, PALAKKAD FOR AND
ON BEHALF OF THE 7TH RESPONDENT KERALA STATE POLLUTION
CONTROL BOARD

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Dated this the 31st July 2021

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I, Krishnan M N, S/o M S Narayanan, am the Environmental Engineer, Kerala State Pollution Control Board, District Office, Palakkad. I am duly authorized by the 7th respondent Member Secretary of Kerala State Pollution Control Board to represent the Board in the O.A. I do hereby solemnly affirm and state as follows.

1. The grievance in the application is against the grant of Environmental Clearance to two granite building stone quarries, of the 8th and 9th respondents, located in Akathethara Panchayath of Palakkad District of Kerala State. It is also alleged that the operation of the quarries create environmental damage.

2. This respondent Board (hereinafter referred to as the Board) grants Consent to Operate for granite building stone quarries based on the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 only. Only air and water pollution and their control measures are

considered by the Board while granting Consents. Matters outside the provisions of these Acts are not considered by the Board.

3. The quarry of the 8th respondent Royal Sand and Gravels Pvt. Ltd. had obtained Consent to Operate of the Board on 27-12-2014. The prevailing distance criterion for consenting quarrying activity was that there should be a distance of 100 metres from the boundary of quarry to nearest residence. This was found satisfied on inspection of the site. The respondent produced quarrying lease issued by Department of Mining and Geology dated 22-08-2014, valid up to 22-08-2026. The applicant also produced Annexure A 2 Environmental Clearance dated 24-05-2014. Based on these documents, Consent to Operate could be issued. Hence Consent to Operate dated 27-12-2014 was granted. A copy of the Consent is produced herewith marked as **Exhibit R7-(a)**.

4. The Consent of the quarry was renewed subsequently vide Consent to Operate renewal dated 30-11-2017 valid up to 23-05-2019 as all the conditions of the Consent was satisfied. Later, the 8th respondent applied for renewal of Consent again in 2019. During the consent enquiry at the site, in which a complaint against air pollution and water pollution from the operation of quarry was also enquired. The grievances under the purview of the Board were regarding flow of dust-laden water from the quarry to outside and that natural stream through the quarry area was blocked. Instruction were given to rectify the defects in these matters. The compliance with instructions given was verified in a subsequent inspection. It was found as follows.

(i) There was a natural water course adjacent to the quarry which had been provided with a check dam. This would act as a silt trap.

(ii) After the trapping of silt, if any, the clearer water would flow through a concrete pipe of about 200 metres length carrying the natural stream. This pipe is laid below the stacked overburden. Thus the stream was carried to the boundary of the quarry area which further flow outside of the premises.

(iii) The number of sprinklers and the frequency of dust suppression spraying had been increased. The stacking of overburden soil had been flattened over more area, decreasing its elevation.

Thus Consent to Operate was renewed on 03-05-2019 valid up to 01-12-2023. A copy of the Consent is produced herewith marked as **Exhibit R7- (b)**.

5. The 9th respondent quarry Mary Matha Granites also has valid Consent to Operate of the Board. They applied first in 2012 for Consent of the Board after obtaining quarrying lease dated 11-08-2010 up to 10-08-2022 from Department of Mining and Geology. A copy of the quarrying lease is produced herewith marked as **Exhibit R7- (c)**. The quarry site had more than

100 metres to nearest residence, etc. and hence was satisfying the prevailing distance criterion. Consent to Operate was issued based on the quarrying lease which was renewed periodically as the conditions of consent were satisfied. The last Consent to Operate of the quarry of the 9th respondent was issued on 25-05-2018 valid up to 31-07-2022. A copy of the Consent is produced herewith marked as **Exhibit R7- (d)**.

6. It is submitted that both the quarries are working with valid Consent to Operate of the Board. The Hon'ble Tribunal had ordered on 10-06-2021 that a joint committee shall conduct a study and submit report before the Tribunal. This respondent Board is also a member of the Committee. The order of the Director, Department of Mining and Geology, dated 29-07-2021 constituting the Committee is produced herewith marked as **Exhibit R7- (e)**. The Committee is about to start its activities. Detailed study of the various aspects of air and water pollution, if any, due to the quarrying activity and checks whether there are any violations of conditions of Consents of the Board will be conducted as part of the activities of the Committee.

Dated this the 31st of July, 2021.

DEPONENT