

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTH
ZONE)**

CHENNAI

O.A. No. 204/2017

BETWEEN

Sri. Bhoja Shety

... Applicant

AND

Deputy Commissioner, Udipi & Others

... Respondents

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Place: Chennai

Date: 07/12/2021



(H.K. VASANTH)

Advocate for Respondent No. 3

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Sri. Bhoja Shety

. . . Applicant

AND

Deputy Commissioner, Udipi & Others

. . . Respondents

MEMO FILED BY SEIAA (RESPONDENT No. 3)

The Respondent No. 3 is herewith furnishing the following documents for the kind perusal of this Hon'ble Tribunal.

1. Copy of the extract of proceedings of 205th meeting of SEIAA held on 08/11/2021
2. Copy of the letter dated 02/12/2021 bearing No. SEIAA 132 MIN 2014 addressed to Respondent No. 4
3. Copy of the letter dated 02/12/2021 bearing No. SEIAA 458 MIN 2015 addressed to Respondent No. 4

Place: Chennai

Date: 07/12/2021

H. V. Ananth

Advocate for Respondent No. 3



ANNEXURE-1

State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

Proceedings of the 205th SEIAA Meeting held on 8th November 2021 at 11:00 AM at Room No. 709, 7th Floor, Gate IV, M.S Building, Bangalore-560001.

Members present: -

- | | | |
|---------------------------------|---|-------------------------|
| 1. Dr. K. R. Sree Harsha, | - | Chairman, SEIAA |
| 2. Shri. K. N. Shivalinge Gowda | - | Member, SEIAA |
| 3. Sri. Brijesh Kumar, IFS | - | Member Secretary, SEIAA |

The Chairman welcomed the members and initiated the discussion. The subjects discussed and the decisions made on each of the agenda points are as follows:

205.1. Recommended by SEAC for issue of TOR

Industry Projects:

- 205.2.1. Integrated Paint Manufacturing Facility Project at Plot Nos.147-A, 147-B & 147-C of Badanguppe - Kellamballi Industrial Area of KIADB of Kasaba Hobli Village, Chamarajanagara Taluk, Chamarajanagara District by M/s. Grasim Industries Ltd. - Online Proposal No.SIA/KA/IND/366814/2021 (SEIAA 48 IND 2021)

M/s. Grasim Industries Ltd. have applied for Environmental clearance from SEIAA for Integrated Paint Manufacturing Facility Project at Plot Nos.147-A, 147-B & 147-C of Badanguppe - Kellamballi Industrial Area of KIADB of Kasaba Hobli Village, Chamarajanagara Taluk, Chamarajanagara District.

The subject was discussed in the SEAC meeting held on 29th September 2021. The Committee has recommended to SEIAA for issue of Standard ToR's along with additional ToR's and the extract of the proceedings of the Committee meeting is as below:

This is a proposal for Integrated Paint Manufacturing Facility with a capacity of 1) Paint- 6,00,000 KL/ Annum 2) Resin & water based polymers-2,50,000KL/ Annum 3) Thinners-25,000KL/ Annum. The project site is allotted by KIADB on 17.07.2021 for a plot area of 413631.00Sqm and the Environmental Clearance issued to this industrial area by MoEF&CC, New Delhi on 5th Sep 2017 under schedule 7(c) of EIA notification 2006.

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informed that all mitigative measures will be taken to ensure that the parameters will be maintained within the permissible limits. The proponent informed the approach road strengthening works will be taken up under CER activities.

Committee based on the proved quantity, estimated the life of the mine as 10 years and recommended the proposal to SEIAA for issue of EC, for annual production of 16,676Cum (60% recovery & 40% waste).

The Authority perused the proposal and took note of the recommendation of SEAC.

Further a complaint was received from Smt. Yashodhamma w/o late Anjinappa, Mayasandra village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District stating that for the last 30 to 40 years agriculture/farming activity is being carried out in the project area and the grant of land by government is under process. Also the complainant has expressed apprehension that due to this mining activity the agriculture crops adjacent to the project site will be damaged and requested not to grant E.C. to this project. The complainant has also requested SEAC to not to consider this project.

The Authority also observed that there is a court case in Devanahalli with O. S No. 246/2020 and the Status of the court case is not coming forth. This being the case, the authority opined that it is appropriate to provide an opportunity to the complainant to put her point of view/version and also verify the status of the said court case.

In this regard a letter has been addressed to the complainant on 04.11.2021. Accordingly, on behalf of complainant Mr. Arun Kumar (Authorised person) has attended and submitted case details filed in the Hon'ble High Court of Karnataka.

The Authority noted a Writ-petition has been filed before the Hon'ble High Court, Bengaluru (WP No: 12364/2021 (GM-MM_S)). Further details are not forthcoming.

Therefore, the Authority after discussion decided to reconsider the subject after ascertaining the outcome of the above-mentioned Writ-Petition.

205.2.2. Building Stone Quarry Project at Sy.No.176/P1 of Shivapura Village, Karkala Taluk, Udupi Dist. (3-0 Acres) of Sri Prasanna Shetty, Mukambika Crushers- Compliance to Order of the Hon'ble NGT of Karnataka in OA No. 204/2017(SZ)reg - (SEIAA 458 MIN 2015).

And

Building Stone Quarry Project at Sy.No.176/P1 of Shivapura Village, Karkala Taluk, Udupi Dist. (3-0 Acres) of Sri Prasanna Shetty, Mukambika Crushers- Compliance to Order of the Hon'ble NGT of Karnataka in OA No. 204/2017(SZ)reg -SEIAA 132 MIN 2014.

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This is a proposal seeking Environmental clearance for quarrying of Building Stone in 3-0 Acres, Government Land at Sy.No.176/P1 of Shivapura Village, Karkala Taluk, Udupi District by Sri Prasanna Shetty

The subject was discussed in the SEAC meeting held on 24th, 25th, 27th, 28th and 29th July 2015. The Committee had recommended to SEIAA for issue of Environmental Clearance. The Authority had perused the proposal during the meeting held on 14th August 2015 and decided to issue Environmental Clearance after taking note of the recommendation made by SEAC.

Accordingly, Environmental Clearance was granted vide letter No.SEIAA 458MIN 2015 dated 18.09.2015.

Mr. Bhoja Shetty and Others have filled petition before the Hon'ble NGT southern Zone, Chennai, that Sri. Parasanna Shetty (fourth respondent) is not having EC for one of the mining area and he is violating the conditions of EC.

In this regard the Joint Committee constituted by the Hon'ble National Green Tribunal (NGT) Southern Zone, Chennai issued an Order dated 06.02.2020 directing to inspect the quarry site of M/s Mookambika Stone Crusher, Sy no. 176 of Yalagoli Village, Karkala Taluk, Udupi Dist comprising of District Collector, Udupi District, Senior Officer/Scientist from Regional office, Ministry of Environment, Forest and Climate Change (MoEF & CC), Bangalore, Senior Officer from State Environment Impact Assessment Authority(SEIAA), Karnataka and Senior Officer from Karnataka State Pollution Control Board (KSPCB).

Accordingly, the quarry site of M/s Mookambika Stone Crusher, Sy. no. 176 of Yalagoli Village, Karkala Taluk, Udupi Dist was inspected by the Joint committee on 19th March 2020 and the inspection report of State Environmental Impact Assessment Authority (SEIAA) with regard to the allegations made by the appellant and the field observations made during joint committee inspection.

In this regard then Hon'ble NGT vide order dated 22.02.2021 stated that "the learned counsel appearing for the 3rd respondent submitted on the basis of committee report, they proposed to take certain action against the 4th respondent. So the 3rd respondent (SEIAA) is directed to file a independent action taken report, if any in this regard to this tribunal"

The Authority after discussion opined that it is a case of violation. The Authority therefore decided to cancel the Environmental Clearance granted vide letter No. SEIAA 458MIN 2015 dated 18.09.2015. to Sri. Prasanna Shetty, S/o Bhujanga shetty, Soodaramane Kukkude, kerebettu village, Shivapura Post, Karkala Taluk, Udupi District, with immediate effect.

In this regard a letter has been addressed to the proponent on 18.09.2021.

The project proponent has appeared before the Authority along with his Advocate. He pleads that he didn't receive the said notice. Further he pleads time of one month to submit appropriate reply to the Authority. Therefore, the Authority decides to grant time as requested by the project proponent and decide to call on 25.10.2021 at 11:30AM.

Accordingly, thr PP and his advocates Shri Chandranath Ariga and Sri. Veeresh M Uppin appeared before the Authority and submitted the vakalath. Further the project proponent submitted the reply to the Show Cause notice dated 18.09.2021 and advocates also sought time to file a supplementary reply in short time.

The Authority after discussion decided to reconsider the subject after receipt of the supplementary statement/reply.

Accordingly, the project proponent and the Advocates submitted the supplementary reply on 29.10.2021. The supplementary Statement/reply is placed before the Authority for decision.

The Authority perused the reply Statement and supplementary statement submitted by the project Authority.

SI No.	File No/ QL No	Non- Compliances noted by the Regional Office MoEF&CC, Koramangala	Reply Statement by the Project Authority	Current Status (as per the proponent)
01	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL-358)	Black Topping for the link road from quarry site to main road has not been done	The PP vide his letter stated that Black Topping being done in its final stage. The black Topping will be completed within two weeks	In Progress
02	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL-358)	A separate Environmental management cell with suitable qualified personal was not setup	Environmental management cell with suitable qualified personal has been appointed	Complied now.
03	SEIAA 458 MIN 2015	Advertisement about grant of EC was not	The grant of EC has been published in the	Complied now

	(QL-371) & SEIAA 132 MIN 2014 (QL- 358)	published	New Indian Express and Kannada-Prabha Newspapers on 20.10.2021	
Partial compliances pointed out by MoEF&CC				
04	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL- 358)	Digital processing of the entire lease area using Remote Sensing Technic should be done by regularly once in 3 years, but PP has done only one time.	Conducted Drone and DGPS survey of the entire lease area on 10.01.2019	Drone Survey done only once as against once in 3 years - Partially Complied.
05	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL- 358)	The PP should submit six monthly compliance report on the status of the implementation of the stipulated Environmental safe guards but submitted only 2 reports after the case before the Hon'ble NGT	The PP has given undertaking to submit six monthly compliance report	Not- Complied
06	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL- 358)	PA should conduct regular monitoring of ambient Air quality and noise level and submit reports- submitted Ambient Air quality report twice and Noise level report only once after the case before the Hon'ble NGT	The PP has given undertaking to submit reports regularly.	Post filing- Not complied
Observations raised by Joint Committee appointed by Hon'ble NGT in O A No. 204/2017 (SZ) as per order dated 06.02.2020				
1	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL-	The PA have started quarrying operations even before the issue of EC and Dept. of Mines and Geology have assess the quantity mine before and	The lease had commenced in respect of quarrying lease No. 358 in the year 2008 and in respect of QL No. 371	-

	358)	after the issue of EC.	in the year 2004. The requirement of EC commenced from the year 2014. The EC was obtained.	
2	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL- 358)	As per the report given by the SEIAA and MoEF&CC, the compliance status of both quarries with respect to EC condition is not satisfactory.	The PP stated that he has filed detailed statement with NGT (SZ) and Regional office, MoEf &CC, Koramanagala.	Complied Now
08	SEIAA 132 MIN 2014 (QL- 358)	The PA has to seek an amendment of EC for QL no. 358 as the EC issued for 3-00 Acres and QL issued for 2-00 Acres.	The extent of quarry lease of ML 358 was 3-00 Acres in Sy No.176/P1 of Shivapura village. The Dept. of Mines and Geology reduced the extent of mining area from 3-00 Acres to 2-00 Acres. The Dept. of Mines and Geology has rectified the change in the lease deed and have not informed the EC clearance should be reduced to 2-00 Acres. The modified quarry plan as per KMMCR rules 1994 has been submitted to the DMG and i.e approved. In this regard the EC clearance is not release due to the fact that the matter is before Hon'ble NGT.	Till date the, Project Authority has not applied for amendment to the EC. Further, the reply submitted by Project Authority is evasive.

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The Authority, after hearing the proponent noted that most of the conditions imposed were not complied for half a decade. Now after the matter was raised before the NGT, proponent has proceeded to comply with the conditions imposed in the EC. Further that some of the conditions have not been complied even till now.

In view of the S.O. 637(E) dated 28-2-2014, the Authority decided to withdraw the 'Environmental Clearance' granted vide letter vide letter No. SEIAA 458 MIN 2015, dated 18th September 2015 and SEIAA 132 MIN 2014 dated 30th October 2014 to Sri. Prasanna Shetty for Quarrying of Building Stone at Sy. No. 176/P1 Shivapura Village, Karkala Taluk, Udupi District with immediate effect.

205.3. Additional Agenda (With the Permission of Chair)

205.3.1. Jiginihalli Manganese Mine, Jiginihalli Village ML No.2482, Sandur Taluk, Bellary District (22.45 ha.) by M/s Marwa Mining Company.

The proposal is for increasing the production of Manganese ore from 2567 TPA to 0.268 Million TPA in an area of 22.45 Ha of Forest land (Mining Lease No. 2482). The total investment of the project is Rs. 269 Lakhs.

The subject was placed in the 33rd SEAC meeting held on 25.04.2009. Since the proponent did not provide the project details /documents to any of the committee members, the Committee deferred the proposal and decided to take it up after the proponent submits the project documents to the members.

The subject was placed in the 37th SEAC meeting held on 20.06.2009. The proponent presented and explained about the project. The Committee decided to inspect the project site and suggested to issue the following additional ToRs along with the model ToRs for the preparation of the EIA report.

1. Compliance to the conditions of CFO issued by KSPCB.
2. Justify the need for increasing the production by more than 10 times the present production.
3. Satellite imagery indicating the existing industries at a radius of 10 kms of the project area.
4. Study water & air quality for one non-monsoon season with the data of the project from the inception of this project and submit the report along with the original laboratory report.
5. Complete health check up shall be done in the surrounding villages.
6. Evaluate the possibility of using the conveyor belt for transporting ore.
7. Impact on the Socio-Economic aspects of the people in the surrounding villages including cropping pattern and yield loss.
8. Scientific assessment of the type, number and location of soil and moisture conservation measures.

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Further, the committee proposed a field visit and then to issue additional ToRs, if any. It was decided to issue the above ToRs for taking up EIA studies.

The site inspection report was discussed in the 40th SEAC meeting held on 01.08.2009 and decided to issue the following observations as additional ToRs along with model ToRs with public consultation.

1. Dumping of waste is not proper; no stabilization of dump is done and waste is sliding to the natural valley
2. Gully plugs and check dams are inadequate, and those provided are silted up. Present waste management is not satisfactory.
3. No afforestation programme has been taken up.
4. The area is surrounded by natural forest with valuable tree species like Tectona, Santalum, etc.

The ToRs and additional ToRs were issued on 23.09.2009 followed by reminder on 24.01.2011. The proponent has submitted the EIA on 27.04.2011 along with public consultation report dated 11.01.2011.

The proponent and environmental consultant present explained the EIA prepared for expansion. The Committee observed that ToRs were issued in September 2009. But, the EIA is prepared with 2007 data prior to issue of ToRs and public consultation is done in 2011. As such the EIA report is 4 years old. The proponent informed that the mining plan was approved by IBM on 12.03.1999 for renewal of mining lease. The scheme of mining for maximum production of 0.268 million TPA of manganese ore was approved by IBM on 02.04.2008. Approval under section 2 of Forest (Conservation) Act, 1980 was accorded on 25.07.2003 for an area of 22.45 ha.

After deliberation, the Committee decided to recall the proponent for presentation after obtaining the following information from the proponent.

1. Documentation of latest one month baseline data on environmental parameters as addendum to the EIA already prepared, since the data submitted is very old.
2. Undertaking that there is no litigation at present.
3. Copy of the forest clearance issued.

The Committee discussed the status of the above subject placed before the committee in detail during the meeting held on 5th & 6th August 2021 and decided to recommend to SEIAA for closure for non-response from the project proponent even after reminders. The Committee took note of the directions of the Hon'ble Supreme Court of India suspending with immediate effect on 29.07.2011 the mining of iron ore in Bellary district until further orders. The Committee unanimously decided to recommend to SEIAA for closure of this file which is proposed in the Bellary District irrespective of whether ToRs have been issued or not by the SEAC. Accordingly, project proposal was recommended to SEIAA for closure.

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This proposal was considered by 44th SEIAA meeting held on 24th September 2011. The Member Secretary of the Authority brought to the notice of the Authority that the Ministry of Environment and Forests, Government of India have issued an Official Memorandum No.J-11013/41/2006-IA.II(I) dated 20th September 2011 and have directed the State authorities to delist all the mining proposals in the districts of Bellary, Chitradurga and Tumkur in view of the orders of the Hon'ble Supreme Court. The Authority perused the proposal recommended by SEAC for closure in view of the orders of the Hon'ble Supreme Court.

The Authority after discussion decided to close the file and delist from the pendency with a direction to KSPCB to initiate action in accordance with the law if the project has been undertaken without prior Environmental Clearance.

Accordingly, file has been closed and delisted from the pendency and same was conveyed to the project proponent vide letter No. SEIAA 139 MIN 2008 dated 03.10.2011.

Now the project proponent vide letter dated 11.10.2021 requested this Authority to reopen delisted file No. SEIAA 139 MIN 2008.

The same was placed before the Authority. It is noted that from the year 2015-16, MoEF&CC mandated that all EC proposals shall be applied through PARIVESH portal. Since the above said project details are not uploaded in PARIVESH Portal, the Authority decided to advise the project proponent to apply a fresh proposal through PARIVESH portal following the due procedure of law.

The Authority perused the request made by the project proponent and also observed that the project was appraised in the year 2008-09 and during the intervening period numerous Amendments to EIA guideless have been given effect.

Under these circumstances, the Authority decided to reject the request of the proponent for re-opening of the de-listed file. It would however be open for the proponent to apply afresh.

205.3.2. Proposed Iron Ore Mine Project at Ramgad Village, Sandur Taluk, Ballari District (24.72 Ha) by M/s. S. A. Thwab & Company,

M/s. S.A.Thwab & Company have proposed for S.A. Thwab Iron Ore Mine, (M.L.No. 2488), Ramgad Village, Sandur Taluk, Ballari District.

The subject was discussed in the SEAC meeting held on 9th October 2018. The Committee noted that the lease in this case was originally granted during the year 1981. The production has started since then based on the mining plan approved by IBM and continued till the year 1997. The mining activity could not be proceeded in the absence of forest clearance which was made mandatory. The forest clearance was obtained in the year 24-4-2003. The lease period of the mine ended in the year 2001. In pursuant of the application made out by the proponent during the year 1999, the Dept., of Mines and

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Geology has renewed the lease in the year 2005 with retrospective effect from 2001 for a period of 20 years. The proponent has applied for EC in the year 2005 after he obtained forest clearance. In pursuance of this the EC was issued during 22-3-2007 for a period of eight years under EIA Notification 2006. The mining operation was resumed during the year 2007 after obtaining E.C and continued mining till 2010. The mining operation halted due to blanket ban imposed by the Hon'ble Supreme court vide its judgement dated: 29-7-2011 & 26-8-2011 and consequent O.M issued by MoEF & CC, Govt., of India dated 20th Sept 2011.

Further, the SEAC noted that R&R plan was prepared and it has been approved by CEC in the year 2017 and mining has started after implementation of the R&R plan and continued with the reduced production of 35,000 TPA instead of 1,50,000 TPA as mandated by CEC. The EC issued earlier was for a period of eight years, however the proponent has carried out mining activity for a period of four years instead of eight years as he could not undertake mining beyond four years due to blanket ban imposed by Hon'ble Supreme court. Keeping this in view, SEIAA has extended the validity of EC for a period of three years starting from 25-10-2017 and mining activity is being carried out till date as per the above extended EC. In the meantime, the lease period has been extended from the year 2021 to 2031.

In the meantime, two separate Supreme Court judgements were delivered in the year 2017 & 2018 in case of Odisha and Goa state respectively and consequent to this a Notification dated: 6-4-2018 was issued by MoEF to deal with such cases. As per this Notification, this project falls under the projects listed under clause (a) of the 4th paragraph and it is mentioned the projects do not suffer from infirmity of validity of environment clearance being five years.

In the light of above facts the committee felt that there are no violation in this case to categorize the project under violation and hence decided to recommend to SEIAA to remove this project from violation category.

The Authority during the meeting held on 25th October 2018 perused the proposal and took note of the recommendation of SEAC. The Authority after discussion decided to invite the project proponent to the Authority meeting with all relevant documents for furnishing clarification / justification for categorizing the project under the non-violation category.

The project proponent vide letter dated 02.11.2021 requested this Authority amend the EC for Iron Ore production from 0.035 to 0.0675 MTPA upto lease period.

It is noted that first EC was granted to the proponent on 22-3-2007 for eight years for a capacity of 0.15 MTPA. Further in view of the Supreme Court appointed CEC's decision, the proponent was accorded an extension with a condition that the production upto 0.035 MTPA. Subsequently on 7-12-2018, the proponent was accorded extension till 3-8-2031 without any change in quantity.

Now CEC has accorded permission (File No: 2-75/CEC/SC/2020-PT XI dated 6-7-2021) for this proponent to raise the production up to 0.0675 MTPA.

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The Authority noted that the original EC was granted for 0.15 MTPA. Thus, the request of proponent for enhancement of production capacity to 0.0675 MTPA falls within the original EC.

Hence the Authority decided to grant permission for amendment in quantity without changing the period of validity.

Meeting concluded with thanks to the Chair.

Sd/-
(Dr. K. R. Sree Harsha)
Chairman,
SEIAA, Karnataka

Sd/-
(K. N. Shivalinge Gowda)
Member,
SEIAA, Karnataka

Sd/-
(Brijesh Kumar, IFS)
Member Secretary,
SEIAA, Karnataka


(Brijesh Kumar, IFS)
Member Secretary,
SEIAA, Karnataka

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सत्यमेव जयते

ANNEXURE - 2

By RPAD

State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 132 MIN 2014

Date: 02.12.2021

To,

Sri. Prasanna Shetty,
S/o Bhujanga Shetty,
Soodaramane Kukkude,
Kerebettu village, Shivapura Post,
Karkala Taluk, Udupi District,

02/12/2021
12:32 PM

Sub:- Building Stone Quarry Project at Sy.No.176/P1 of Shivapura Village, Karkala Taluk, Udupi Dist. (3-0 Acres) of Sri Prasanna Shetty, M/s Mookambika Stone Crushers- Compliance to Order of the Hon'ble NGT of Karnataka in OA No. 204/2017(SZ)-reg.

- Ref:-
- 1) Environmental Clearance issued vide letter SEIAA 132 MIN 2014, dated 30.10.2014.
 - 2) Proceedings of SEIAA meeting held on 13th May 2021
 - 3) Joint inspection Report of the Joint Committee constituted by the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No.204/2017 (SZ) dated 06.02.2020.
 - 4) Proceedings of SEIAA meeting held on 8th November 2021.

1. Whereas, the Ministry of Environment and Forests, Government of India have issued Notification No. S.O. 1533 (E) dated 14th September 2006 under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986.

2. Whereas, all new, expansion and modernization and change in product-mix projects listed in schedule to the aforesaid notification require Prior Environmental Clearance from the concerned regulatory authority.

3. Whereas, Environmental Clearance has been granted vide letter No. SEIAA 132 MIN 2014, dated 30.10.2014 pursuant to the information furnished by you in the statutory application and the recommendation made by State Expert Appraisal Committee on 7th 9th & 10th October 2014 for Environmental clearance for quarrying of Building Stone in 3-0 Acres in Government Land at Sy.No.176/P1 of Shivapura Village, Karkala Taluk, Udupi District by Sri Prasanna Shetty subject to compliance to the specific and general Conditions imposed thereon.

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4. Whereas, Mr. Bhoja Shetty and Another have filed petition before the Hon'ble NGT southern Zone, Chennai, that Sri. Prasanna Shetty (fourth respondent) is not having EC for one of the mining area and he is violating the conditions of EC.
5. Whereas, upon submission of petition by Shri Bhoja Shetty and Another, the Hon'ble National Green Tribunal, Southern Zone, Chennai vide order dated 06.02.2020 in O.A. No. 204 of 2017 (SZ) constituted a joint committee comprising of the following members District Collector, Udupi District, Senior Officer/Scientist from Regional office, Ministry of Environment, Forest and Climate Change (MoEF & CC), Bangalore, Senior Officer from State Environment Impact Assessment Authority(SEIAA), Karnataka and Zonal Senior Environmental Officer from Karnataka State Pollution Control Board (KSPCB) and Environmental Officer, KSPCB, Udupi.
6. The Hon'ble National Green Tribunal, Southern Zone, Chennai directed the Joint Committee to verify the compliance status of M/s Mookambika Stone Crusher, Sy no. 176 of Yalagoli Village, Karkala Taluk, Udupi Dist and submit a report
7. Whereas, the quarry site of M/s Mookambika Stone Crusher, Sy. no. 176 of Yalagoli Village, Karkala Taluk, Udupi District has been inspected by the Joint committee on 19th March 2020 and the inspection report has been submitted to the Hon'ble NGT by e-filing on 22.02.2021.
8. Whereas, it is reported in the joint committee report that you have obtained the necessary EC from SEIAA for the operation of both the Mining Leases viz., M.L. No. 358 and ML No. 371 (Old 258) and started quarrying operations even before the issue of EC, Further, the compliance status of both the quarries with respect to EC conditions are not satisfactory. Further it is also reported that Department of Mines & Geology has granted lease limiting the area to 2.00 Acres in respect of quarry lease bearing No.358 dated 23.07.2015 against the EC for 3 acres (SEIAA 132 MIN 2014 dated 30.10.2014), without amending the EC issued, which is mandatory as per the EIA Notification.
9. Whereas the Joint Committee in the report recommended to SEIAA, Karnataka to initiate action for non-compliance of the EC conditions under the provisions of the Environment (Protection) Act, 1986.
10. Whereas, Hon'ble NGT vide order dated 22.02.2021 stated that , "the learned counsel appearing for the 3rd respondent submitted on the basis of committee report, they proposed to take certain action against the 4th respondent. So the 3rd respondent (SEIAA) is directed to file an independent action taken report, if any in this regard to this tribunal"
10. Whereas, the State Level Environment Impact Assessment Authority, Karnataka during the meeting held on 13th May 2021 took note of the orders of the Hon'ble NGT and the joint inspection report. The Authority after discussion opined that it is a case of violation and therefore decided to cancel the Environmental

Clearance granted vide letter No. SEIAA 132 MIN 2014, dated 30.10.2014 to Sri. Prasanna Shetty, S/o Bhujanga shetty, Soodaramane Kukkude, kerebettu village, Shivapura Post, Karkala Taluk, Udupi District, with immediate effect

11. Whereas, opportunity of being heard was provided to you in terms of the provision under para 8 (vi) of the EIA Notification No. S.O. 1533(E) dated 14.06.2006 amended from time to time to you to show cause why the EC granted to you vide letter dated 30.10.2014 should not be cancelled. Further, you are also called upon to appear before the Authority scheduled on 27.09.2021 to furnish the required information / clarification. In this regard a letter has been addressed to you on 18.09.2021.

12. Whereas, you have appeared before the Authority along with your Advocate, pleading that you didn't receive the said notice. Further you requested for time of one month to submit appropriate reply to the Authority. Therefore, the Authority decides to grant time as requested by you and decided to call on 25.10.2021 at 11:30AM.

13. Whereas, accordingly, you and your advocates Shri Chandranath Ariga and Sri. Veeresh M Uppin appeared before the Authority during the meeting held on 25.10.2021 and submitted the vakalath. Further submitted the reply to the Show Cause notice dated 18.09.2021 and advocates also sought time to file a supplementary reply in short time. The Authority after discussion decided to reconsider the subject after receipt of the supplementary statement/reply.

14. Whereas, You and the Advocates submitted the supplementary reply on 29.10.2021. The Authority during the meeting held on 8th November 2021 perused the reply Statement and supplementary statement submitted by you as below.

Sl No.	File No/ QL No	Non- Compliances noted by the Regional Office MoEF&CC, Koramangala	Reply Statement by the Project Authority	Current Status (as per the proponent)
01	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL-358)	Black Topping for the link road from quarry site to main road has not been done	The PP vide his letter stated that Black Topping being done in its final stage. The black Topping will be completed within two weeks	In Progress
02	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN	A separate Environmental management cell with suitable qualified personal was not setup	Environmental management cell with suitable qualified personal has been appointed	Complied now.

	2014 (QL-358)			
03	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL-358)	Advertisement about grant of EC was not published	The grant of EC has been published in the New Indian Express and Kannada-Prabha Newspapers on 20.10.2021	Complied now
Partial compliances pointed out by MoEF&CC				
04	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL-358)	Digital processing of the entire lease area using Remote Sensing Technic should be done by regularly once in 3 years, but PP has done only one time.	Conducted Drone and DGPS survey of the entire lease area on 10.01.2019	Drone Survey done only once as against once in 3 years - Partially Complied.
05	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL-358)	The PP should submit six monthly compliance report on the status of the implementation of the stipulated Environmental safe guards but submitted only 2 reports after the case before the Hon'ble NGT	The PP has given undertaking to submit six monthly compliance report	Not- Complied
06	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL-358)	PA should conduct regular monitoring of ambient Air quality and noise level and submit reports- submitted Ambient Air quality report twice and Noise level report only once after the case before the Hon'ble NGT	The PP has given undertaking to submit reports regularly.	Post filing- Not complied
Observations raised by Joint Committee appointed by Hon'ble NGT in O A No. 204/2017 (SZ) as per order dated 06.02.2020				
1	SEIAA 458 MIN 2015 (QL-371) & SEIAA	The PA have started quarrying operations even before the issue of EC and Dept. of Mines and Geology have	The lease had commenced in respect of quarrying lease No. 358 in the year 2008	-

	132 MIN 2014 (QL-358)	assess the quantity mine before and after the issue of EC.	and in respect of QL No. 371 in the year 2004. The requirement of EC commenced from the year 2014. The EC was obtained.	
2	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL-358)	As per the report given by the SEIAA and MoEF&CC, the compliance status of both quarries with respect to EC condition is not satisfactory.	The PP stated that he has filed detailed statement with NGT (SZ) and Regional office, MoEf &CC, Koramanagala.	Complied Now
08	SEIAA 132 MIN 2014 (QL-358)	The PA has to seek an amendment of EC for QL no. 358 as the EC issued for 3-00 Acres and QL issued for 2-00 Acres.	The extent of quarry lease of ML 358 was 3-00 Acres in Sy No.176/P1 of Shivapura village. The Dept. of Mines and Geology reduced the extent of mining area from 3-00 Acres to 2-00 Acres. The Dept. of Mines and Geology has rectified the change in the lease deed and have not informed the EC clearance should be reduced to 2-00 Acres. The modified quarry plan as per KMMCR rules 1994 has been submitted to the DMG and i.e approved. In this regard the EC clearance is not release due to the fact that the matter	Till date the, Project Authority has not applied for amendment to the EC. Further, the reply submitted by Project Authority is evasive.

			is before Hon'ble NGT.	
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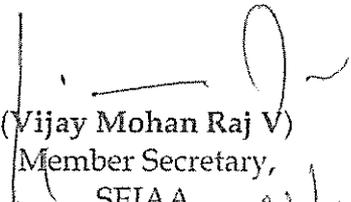
Whereas, the Authority, after hearing your submission, noted that most of the conditions imposed were not complied for half a decade. Now after the matter was raised before the NGT, proponent has proceeded to comply with the conditions imposed in the EC. Further that some of the conditions have not been complied even till now.

Whereas, in view of the S.O. 637(E) dated 28-2-2014, the Authority vide its meeting proceedings dated 08-11-2021 decided to withdraw the 'Environmental Clearance' granted vide letter No. 30.10.2014 to you for Quarrying of Building Stone at Sy. No. 176/P1 Shivapura Village, Karkala Taluk, Udupi District with immediate effect.

Wherefore, the Environmental Clearance granted vide letter No. 30.10.2014 in your favour for Quarrying of Building Stone at Sy. No. 176/P1 Shivapura Village, Karkala Taluk, Udupi District is hereby stands withdrawn with immediate effect.

Mining/quarrying of minerals and associated activities including transportation of the quarried material shall be suspended with immediate effect, failing which any such activity undertaken from the date of issue of this letter will be treated as unlawful and action deemed fit will be initiated in accordance with Law.

Yours faithfully,


(Vijay Mohan Raj V)
Member Secretary,
SEIAA. 02/12/21

Copy to:

1. The Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi- 110 003.
2. The Director, Department of Mines and Geology, Khanija Bhavan, Race course road, Bengaluru - 560 001.
3. The Member Secretary, Karnataka State Pollution Control Board, Bengaluru.
4. The APCCF, Regional Office, Ministry of Environment & Forests (SZ), Kendriya Sadan, IV Floor, E & F Wings, 17th Main Road, Koramangala II Block, Bengaluru - 560 034.
5. Guard File.



ANNEXURE-3

By RPAD

State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 458 MIN 2015

Date: 02.12.2021

To,

Sri. Prasanna Shetty,
S/o Bhujanga Shetty,
Soodaramane Kukkude,
Kerebettu village, Shivapura Post,
Karkala Taluk, Udipi District,

①
04/12/2021
12:32 PM

Sub:- Building Stone Quarry Project at Sy.No.176/P1 of Shivapura Village, Karkala Taluk, Udipi Dist. (3-0 Acres) of Sri Prasanna Shetty, M/s Mookambika Stone Crushers- Compliance to Order of the Hon'ble NGT of Karnataka in OA No. 204/2017(SZ)-reg.

- Ref:-
- 1) Environmental Clearance issued vide letter No. SEIAA 458 MIN 2015, dated 18.09.2015.
 - 2) Proceedings of SEIAA meeting held on 13th May 2021.
 - 3) Joint inspection Report of the Joint Committee constituted by the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No.204/2017 (SZ) dated 06.02.2020.
 - 4) Proceedings of SEIAA meeting held on 8th November 2021.

1. Whereas, the Ministry of Environment and Forests, Government of India have issued Notification No. S.O. 1533 (E) dated 14th September 2006 under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986.

2. Whereas, all new, expansion and modernization and change in product-mix projects listed in schedule to the aforesaid notification require Prior Environmental Clearance from the concerned regulatory authority.

3. Whereas, Environmental Clearance has been granted vide letter No. SEIAA 458 MIN 2015, dated 18.09.2015 pursuant to the information furnished by you in the statutory application and the recommendation made by State Expert Appraisal Committee on 24th, 25th, 27th, 28th & 29th July 2015 for Environmental clearance for quarrying of Building Stone in 3-0 Acres in Government Land at Sy.No.176/P1 of

Shivapura Village, Karkala Taluk, Udupi District by Sri Prasanna Shetty subject to compliance to the specific and general Conditions imposed thereon.

4. Whereas, Mr. Bhoja Shetty and Another have filed petition before the Hon'ble NGT southern Zone, Chennai, that Sri. Parasanna Shetty (fourth respondent) is not having EC for one of the mining area and he is violating the conditions of EC.

5. Whereas, upon submission of petition by Shri Bhoja Shetty and Another, the Hon'ble National Green Tribunal, Southern Zone, Chennai vide order dated 06.02.2020 in O.A. No. 204 of 2017 (SZ) constituted a joint committee comprising of the following members District Collector, Udupi District, Senior Officer/Scientist from Regional office, Ministry of Environment, Forest and Climate Change (MoEF & CC), Bangalore, Senior Officer from State Environment Impact Assessment Authority(SEIAA), Karnataka and Zonal Senior Environmental Officer from Karnataka State Pollution Control Board (KSPCB) and Environmental Officer, KSPCB, Udupi.

6. The Hon'ble National Green Tribunal, Southern Zone, Chennai directed the Joint Committee to verify the compliance status of M/s Mookambika Stone Crusher, Sy no. 176 of Yalagoli Village, Karkala Taluk, Udupi Dist and submit a report

7. Whereas, the quarry site of M/s Mookambika Stone Crusher, Sy. no. 176 of Yalagoli Village, Karkala Taluk, Udupi District has been inspected by the Joint committee on 19th March 2020 and the inspection report has been submitted to the Hon'ble NGT by e-filing on 22.02.2021.

8. Whereas, it is reported in the joint committee report that you have obtained the necessary EC from SEIAA for the operation of both the Mining Leases viz., M.L. No. 358 and ML No. 371 (Old 258) and started quarrying operations even before the issue of EC, Further, the compliance status of both the quarries with respect to EC conditions are not satisfactory.

9. Whereas the Joint Committee in the report recommended to SEIAA, Karnataka to initiate action for non-compliance of the EC conditions under the provisions of the Environment (Protection) Act, 1986.

10. Whereas, Hon'ble NGT vide order dated 22.02.2021 stated that "the learned counsel appearing for the 3rd respondent submitted on the basis of committee report, they proposed to take certain action against the 4th respondent. So the 3rd respondent (SEIAA) is directed to file an independent action taken report, if any in this regard to this tribunal"

10. Whereas, the State Level Environment Impact Assessment Authority, Karnataka during the meeting held on 13th May 2021 took note of the orders of the Hon'ble NGT and the joint inspection report. The Authority after discussion opined

that it is a case of violation and therefore decided to cancel the Environmental Clearance granted vide letter No. SEIAA 458 MIN 2015 dated 18.09.2015 to Sri. Prasanna Shetty, S/o Bhujanga shetty, Soodaramane Kukkude, kerebettu village, Shivapura Post, Karkala Taluk, Udupi District, with immediate effect

11. Whereas, opportunity of being heard was provided to you in terms of the provision under para 8 (vi) of the EIA Notification No. S.O. 1533(E) dated 14.06.2006 amended from time to time to you to show cause why the EC granted to you vide letter dated 18.09.2015 should not be cancelled. Further, you are also called upon to appear before the Authority scheduled on 27.09.2021 to furnish the required information / clarification. In this regard a letter has been addressed to you on 18.09.2021.

12. Whereas, you have appeared before the Authority along with your Advocate, pleading that you didn't receive the said notice. Further you requested for time of one month to submit appropriate reply to the Authority. Therefore, the Authority decides to grant time as requested by you and decided to call on 25.10.2021 at 11:30AM.

13. Whereas, accordingly, you and your advocates Shri Chandranath Ariga and Sri. Veeresh M Uppin appeared before the Authority during the meeting held on 25.10.2021 and submitted the vakalath. Further submitted the reply to the Show Cause notice dated 18.09.2021 and advocates also sought time to file a supplementary reply in short time. The Authority after discussion decided to reconsider the subject after receipt of the supplementary statement/reply.

14. Whereas, You and the Advocates submitted the supplementary reply on 29.10.2021. The Authority during the meeting held on 8th November 2021 perused the reply Statement and supplementary statement submitted by you as below.

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02	SEIAA 458 MIN 2015 (QL-371)	A separate Environmental management cell with suitable qualified	Environmental management cell with suitable qualified personal	Complied now.

	& SEIAA 132 MIN 2014 (QL- 358)	personal was not setup	has been appointed	
03	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL- 358)	Advertisement about grant of EC was not published	The grant of EC has been published in the New Indian Express and Kannada-Prabha Newspapers on 20.10.2021	Complied now
Partial compliances pointed out by MoEF&CC				
04	SEIAA 458 MIN 2015 (QL-371) & SEIAA 132 MIN 2014 (QL- 358)	Digital processing of the entire lease area using Remote Sensing Technic should be done by regularly once in 3 years, but PP has done only one time.	Conducted Drone and DGPS survey of the entire lease area on 10.01.2019.	Drone Survey done only once as against once in 3 years - Partially Complied.
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			fact that the matter is before Hon'ble NGT.	
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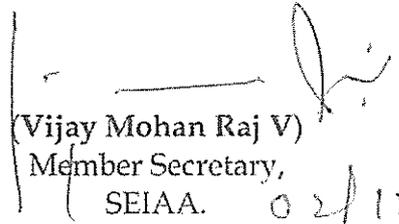
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Wherefore, the Environmental Clearance granted vide letter No. SEIAA 458 MIN 2015, dated 18th September 2015 in your favour for Quarrying of Building Stone at Sy. No. 176/P1 Shivapura Village, Karkala Taluk, Udupi District is hereby stands withdrawn with immediate effect.

Mining/quarrying of minerals and associated activities including transportation of the quarried material shall be suspended with immediate effect, failing which any such activity undertaken from the date of issue of this letter will be treated as unlawful and action deemed fit will be initiated in accordance with Law.

Yours faithfully,


(Vijay Mohan Raj V)
Member Secretary,
SEIAA. 02/12/21.

Copy to:

1. The Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi- 110 003.
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3. The Member Secretary, Karnataka State Pollution Control Board, Bengaluru.
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