

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

**APPEAL NO.21 OF 2020 (SZ)
With
APPEAL NO.22 OF 2022 (SZ)**

IN THE MATTER OF:

R.Swathy

...Appellant

Versus

Union of India and others

...Respondents

With

**Ravi,
Kollam District and Anr.**

...Appellant

Versus

Union of India and others

...Respondents

TYPESET OF DOCUMENTS

VIDYALAKSHMI VIPIN

Standing Counsel for SEIAA, Kerala and KSBB

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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Dated at Chennai on this the 17th day of August, 2022

Vidyalakshmi

COUNSEL FOR THE RESPONDENT NOS.2 TO 4

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.17533 OF 2020(N)

PETITIONER:

T.MATHEW ABRAHAM, AGED 74 YEARS
PROPRIETOR, M/S.SOUTHERN ROCK AND AGGREGATE
MINING COMPANY, VALLAMKULAM P.O., THIRUVALLA -
689541.

BY ADV. SRI.PHILIP J.VETTICKATTU

RESPONDENTS:

- 1 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
(SEIAA KERALA), REPRESENTED BY ITS MEMBER
SECRETARY, 4TH FLOOR, KSRTC BUS TERMINAL
COMPLEX, THIRUVANANTHAPURAM - 695001.
- 2 STATE LEVEL EXPERT APPRAISAL COMMITTEE
REPRESENTED BY ITS CHAIRMAN, PALLIMUKKU,
KANNAMMOOLA ROAD, OVERBRIDGE, VELAKUDI,
TRIVANDRUM - 695024.
- 3 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO
GOVERNMENT, SECRETARIAT, TRIVANDRUM - 695001.
- 4 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY,
INDUSTRIES (A) DEPARTMENT, SECRETARIAT,
TRIVANDRUM - 695001.
- 5 THE MINISTRY OF ENVIRONMENT
CLIMATE AND FOREST CHANGE, JORBAGH ROAD, NEW
DELHI - 110 003, REPRESENTED BY ITS DIRECTOR.

SRI. RENJITH THAMPAN, ADDL.AG

W.P.(C) Nos. 17533 of 2020 & con. cases

..2..

R5 BY SRI.V.R.RAKESH, CGC
SRI. M.P. SREEKRISHNAN, CGC
SRI. VIJAYAKUMAR ASG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).10803/2020(A) AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.10803 OF 2020(A)

PETITIONER:

TRAVANCORE READYMIX (P) LTD..
T.C.54/928,ROHINI SADANAM, MELAMCODE, NEMOM
P.O., THIRUVANANTHAPURAM-695 020, REPRESENTED
BY ITS MANAGING DIRECTOR, SRI.V.SUDHAKARAN

BY ADVS.
PAUL JACOB
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695 024,
REPRESENTED BY ITS MEMBER SECRETARY
- 2 THE MEMBER SECRETARY
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695 024,
- 3 THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, THIRUVANANTHAPURAM-695 004

..4..

- 4 ADDL R4, UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF
ENVIRONMENT AND FOREST, INDIRA PARYAVARAN
BHAWAN, JORBAGH ROAD, NEWDELHI-110003
IS IMPEADED AS PER ORDER DATED 08-07-2020 IN
IA NO 2/20
- 5 ADDL R5, STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT IN
THE INDUSTRIES DEPARTMENT GOVERNMENT
SECRETARIAT-695 001
- 6 ADDL R6, THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM P.O,
KESAVADASAPURAM, THIRUVANANTHAPURAM-695004
ADDL R5 AND ADDL R6 IMPEADED AS PER ORDER
DATED 08-07-2020 IN IA NO.3/20.

SRI. M.P. SREEKRISHNAN, CGC
SRI. VIJAYAKUMAR ASG
SRI. RENJITH THAMPAN, ADDL.AG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.10860 OF 2020(F)

PETITIONER:

M/S TMT GRANITES PVT.LTD.
MANGALAM DAM P.O, PALAKKAD, REPRESENTED BY ITS
MANAGING DIRECTOR SRI TOM GEORGE

BY ADVS.
SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM 695 024,
REPRESENTED BY ITS MEMBER SECRETARY
- 2 THE MEMBER SECRETARY,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
PALLIMUKKU-KANNAMMOOLA RD,
OVERBRIDGE,VELAKUDI, THIRUVANANTHAPURAM 695
024
- 3 THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, PALAKKAD 678 014

..6..

- 4 ADDL.R4.UNION OF INDIA, REPRESENTED BY THE SECRETARY,
MINISTRY OF ENVIRONMENT AND FORESTS, INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI - 110003. IS IMPEADED AS PER ORDER DATED 03.08.2020 IN IA NO.1/2020 IN WPC NO. 10860/2020.
- 5 ADDL. R5. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 6 ADDL.R6. THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM P.O., KESAVADASAPURAM, THIRUVANANTHAPURAM-695004.

(ADDITIONAL R5 AND R6 ARE IMPEADED AS PER ORDER DATED 08/07/2020 IN IA NO.2/2020)

SRI. RENJITH THAMPAN, ADDL.AG
R4 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA
SRI. M.P. SREEKRISHNAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.10862 OF 2020(G)

PETITIONER:

IMMANUEL CRUSHERS AND MINES (P) LTD
34/316, PIPE LINE ROAD, PADIVATTOM, EDAPPALLY
P.O, ERNAKULAM 682 024
REPRESENTED BY ITS DIRECTOR SRI TOMY JOSEPH

BY ADVS.

SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.GEORGE A.CHERIAN

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM 695 024
REPRESEMNTED BY ITS MEMBER SECRETARY
- 2 THE MEMBER SECRETARY,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU-KANNAMMOOLA RD,
OVERBRIDGE,VELAKUDI,
\THIRUVANANTHAPURAM 695 024
- 3 THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, PALAKKAD 678 014
- 4 ADDL.R4.UNION OF INDIA REPRESENTED BY THE
SECRETARY,
MINISTRY OF ENVIRONMENT AND FORESTS, INDIRA
PARYAVARAN BHAVAN, JORBAGH ROAD,

W.P.(C) Nos. 17533 of 2020 & con. cases

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NEW DELHI-110 001.

ADDL.R4 IMPEADED AS PER ORDER DATED 03-06-2020 IN IA 1/20 OF WP(C) 10862/2020.

5 ADDL.R5. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF INDUSTRIES, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

6 ADDL.R6. THE DIRECTOR OF MININF AND GEOLOGY, DIRECTORATE OF MINING AND GEOLOGY, PATTOM P.O., KESAVADASAPURAM, THIRUVANANTHAPURAM-695 001.

ADDL.R5 AND ADDL R6 ARE IMPEADED AS PER ORDER DATED 08-07-2020 IN IA 2/20 IN WP(C) 10862/2020.

SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
SRI. VIJAYAKUMAR ASG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP (C) .No.10880 OF 2020 (H)

PETITIONER:

PYRAMID GRANITES (P) LTD.
PADAPPARA, ATHIRUMKAL, KOODAL, KONNI,
PATHANAMTHITTA, REPRESENTED BY ITS MANAGING
DIRECTOR, SRI.JOBIN VARGHESE

BY ADVS.
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENTS:

- 1 THE STATE ENVIORNMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU-KANNAMMOOLA RD,
OVERBRIDGE, VELAKUDI, THIRUVANANTHAPURAM-695
024, REPRESENTED BY ITS MEMBER SECRETARY
- 2 THE MEMBER SECRETARY
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU-KANNAMMOOLA RD,
OVERBRIDGE, VELAKUDI, THIRUVANANTHAPURAM-695
024
- 3 THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, MINI CIVIL STATION, ARANMULA P.O,
PATHANAMTHITTA-689 533
- 4 ADDL. R4 UNION OF INDIA, REPRESENTED BY THE
SECRETARY,

..10..

MINISTRY OF ENVIORNMENT AND FOREST, INDIRA
PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI-110
003.

ADDL.R4 IM PLEADED AS PER ORDER DATED 03-06-20
IN IA 1/2020

5 ADDL.R5. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

6 ADDL.R6. THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM
P.O., KESAVADASPURAM, THIRUVANANTHAPURAM-695
004.

ARE IMPLEADED AS ADDL.R5 AND ADDL.R6 AS PER
ORDER DATED 08-07-20 IN IA 3/2020.

SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
SRI. VIJAYAKUMAR ASG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
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CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.11048 OF 2020(E)

PETITIONER:

VILAMANA INDUSTRIES
KUTTICHIRA P.O.CHALAKUDY, THRISSUR-680 724,
REPRESENTED BY ITS MANAGING PARTNER SRI BASIL
MADAPPILLY.

BY ADVS.
SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.ROY JOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695 024,
REPRESENTED BY ITS MEMBER SECRETARY.
- 2 THE MEMBER SECRETARY,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695 024.
- 3 THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, CHEMBUKKAVU, THRISSUR-680020.
- 4 UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF
ENVIRONMENT AND FORESTS, INDIRA PARYAVARAN
BHAWAN, JORBAGH ROAD, NEW DELHI-110 003.

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- 5 ADDL.R5.STATE OF KERALA,
REPRESENTED BY ITS SECRETARY DEPARTMENT OF
INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.
- 6 ADDL.R6. THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM
P.O., KESAVADASAPURM, THIRUVANANTHAPURAM-
695004. ADDL.R5 AND R6 ARE IMPEADED AS PER
ORDER DATED 08.07.2020 IN IA 1/2020.

R1 BY ADV. SHRI.M.P.SREEKRISHNAN, SC, SEIAA
AND SEAC
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
R4 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
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W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.11053 OF 2020(F)

PETITIONER:

PLAKKATTU GRANITE INDUSTRIES (P) LTD
PAYYANAMON P.O. KONNI, REPRESENTED BY ITS
MANGING DIRECTOR, SRI. JACOB THOMAS.

BY ADVS.

SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU, KANNAMMOOLA RD, OVER BRIDGE,
VELAKUDI, THIRUVANANTHAPURAM 695 024,
REPRESENTED BY ITS MEMBER SECRETARY.
- 2 THE MEMBER SECRETARY,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU, KANNAMMOOLA RD, OVER BRIDGE,
VELAKUDI, THIRUVANANTHAPURAM 695 024,
- 3 THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, MINI CIVIL STATION, ARAMULA, P.O.
PATHANAMTHITTA 689 533.
- 4 UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF

..14..

ENVIRONMENT AND FORESTS, INDIRA
PARYAVARANBHAWAN, JORBAGH ROAD, NEW DELHI 110
003.

- 5 ADDL. R5. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 6 ADDL. R6. THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM
P.O., KESAVADASAPURAM, THIRUVANANTHAPURAM-
695004.

(ADDITIONAL R5 AND R6 ARE IMPEADED AS PER
ORDER DATED 08/07/2020 IN IA NO.1/2020).

SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
R4 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
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W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP (C) .No.11079 OF 2020 (H)

PETITIONER:

K.K.ROCKS AND GRANITES INDIA (P) LTD,
KOTTACKAL, TC 2/3497, PATTOM,
THIRUVANANTHAPURAM 695004 REPRESENTED BY ITS
MANAGING DIRECTOR, SRI.ARUN VARGHESE

BY ADVS.

SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU-KANNAMMOOLA RD, OVER BRIDGE,
VELAKUDI, THIRUVANANTHAPURAM 695024
REPRESENTED BY ITS MEMBER SECRETARY
- 2 THE MEMBER SECRETARY
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695024
- 3 THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, THIRUVANANTHAPURAM-695004
- 4 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF

..16..

ENVIORNMENT AND FORESTS, INDIRA PARYAVARAN
BHAWAN, JORBAGH ROAD, NEW DELHI-110003

5 ADDL.R5. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.

6 ADDL.R6. THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM
P.O., KESAVADASAPURAM-695 004.

ARE IMPLEADED AS ADDL.R5 AND ADDL.R6 AS PER
DATED 08-07-2020 IN IA 1/2020

SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
SRI. VIJAYAKUMAR ASG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.11106 OF 2020(K)

PETITIONER:

SHAJI S.
THEKKUVILAMELATHIL, KUDAVATTOOR P.O,
KOTTARAKKARA, KOLLAM

BY ADVS.
SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENT/S:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU-KUNNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM 695 024
REPRESENTED BY ITS MEMBER SECRETARY
- 2 THE MEMBER SECRETARY,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM 695 024
- 3 THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, ASRAMAM, KOLLAM 691 008
- 4 UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF ENVIRONMENT AND FORESTS, INDIRA

..18..

PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI 110
003

5 ADDL R5 - STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001

6 ADDL R6 - THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM
P.O., KESAVADASAPURAM, THIRUVANANTHAPURAM - 695
004 (ADDL R5 AND R6 IMPEADED AS PER ORDER
DATED 08-07-2020 IN IA 1/2020).

SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
SRI. VIJAYAKUMAR ASG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
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W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.11409 OF 2020(A)

PETITIONER:

AARAAMAM ROCK PVT. LTD.
5/714, NELLANADU P.O., KEEZHAYIKONAM,
VENJARAMOODU, THIRUVANANTHAPURAM-695 606,
REPRESENTED BY ITS MANAGING DIRECTOR ABDUL
SALAM.

BY ADVS.
SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU-KANNAMMOOLA ROAD, OVER BRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695 024,
REPRESENTED BY ITS MEMBER SECRETARY.
- 2 THE MEMBER SECRETARY,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU-KANNAMMOOLA ROAD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695 024.
- 3 THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, KESAVADASAPURAM, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM-6695 004.

..20..

- 4 UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF
ENVIRONMENT AND FORESTS, INDIRA PARYAVARAN
BHAWAN, JORBAGH ROAD, NEW DELHI-110 003.
- 5 ADDL R5, STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT IN
THE INDUSTRIES DEPARTMENT, GOVERNMENT
SECRETARIAT
- 6 ADDL R6, THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM P.O,
KESAVADASAPURAM, THIRUVANANTHAPURAM.
ADDL R5 AND ADDL R6 IMPEADED AS PER ORDER
DATED 08-07-2020 IN IA NO.1/20.
- 7 ADDL. R7 M.SALIM, AGED 60 YEARS,
S/O. MUHAMMED ILLIAS,
RESIDING AT SALMAN VILLA,
KEEZHAYIKONAM, NELLANADU P.O.,
THIRUVANANTHAPURAM DISTRIC 695 606.
IS IMPEADED AS PER ORDER DATED 02.11.2020 IN
I.A. NO. 2/2020.
- R4 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA
R7 BY ADV. RAJAN VISHNURAJ
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.11614 OF 2020(B)

PETITIONER:

PONMUDI BLUE METAL (P)LTD
M.S.BUILDING, KALUNGU JUNCTION, VITHURA P.O.,
THIRUVANANTHAPURAM-695 551, REPRESENTED BY ITS
MANAGING DIRECTOR, SRI.M.NIZARUDEEN

BY ADVS.

SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENT:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695 024,
REPRESENTED BY ITS MEMBER SECRETARY
- 2 THE MEMBER SECETARY
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695 024,
- 3 THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, THIRUVANANTHAPURAM-695 004
- 4 UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF

..22..

ENVIRONMENT AND FOREST, INDIRA PARYAVARAN
BHAWAN, JORBAGH ROAD, NEW DELHI-110 003

- 5 ADDL.R5.STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001
- 6 ADDL.R6.THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM
P.O., KESAVADASAPURAM-695004. ADDL.R5 AND R6
ARE IMPLEADED AS PER ORDER DATED 08.07.2020 IN
IA 1/2020 IN WP(C) NO. 11614/2020.

SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC

R4 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP (C) .No.11763 OF 2020 (U)

PETITIONER:

SURESH KUMAR S.
NEERANJANAM, PAZHAVADY, NEDUMANGAD P.O.,
THIRUVANANTHAPURAM -695 541.

BY ADVS.
SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU KANNAMMOOLA RD., OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM - 695024,
REPRESENTED BY ITS MEMBER SECRETARY.
- 2 THE MEMBER SECRETARY
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU KANNAMMOOLA RD., OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM - 695024.
- 3 THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, THIRUVANANTHAPURAM - 695 004.
- 4 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF
ENVIRONMENT AND FORESTS, INDIRA PARYAVARAN

W.P.(C) Nos. 17533 of 2020 & con. cases

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BHAWAN, JORBAGH ROAD, NEW DELHI - 110 003.

5 ADDL. R5. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

6 ADDL. R6. THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM
P.O., KESAVADASAPURAM, THIRUVANANTHAPURAM-695
004.

ADDL. R5 AND R6 ARE IMPEADED AS PER ORDER
DATED 08/07/2020 IA. NO.1/2020 IN WPC
NO.11763/2020.

R4 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP (C) .No.12391 OF 2020 (Y)

PETITIONER:

HABEEBU RAHIMAN P.M. ,
PUTHOORMADATHIL HOUSE, MUKKAM P.O.KOZHICODE-
643 602 .

BY ADVS.

SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU- KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695
024, REPRESENTED BY ITS MEMBER SECRETARY.
- 2 THE MEMBER SECRETARY,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU- KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695 024
- 3 THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, CHEMBUKKAVU, THRISSUR-680 020.
- 4 UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF
ENVIRONMENT AND FORESTS, INDIRA PARYAVARAN

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BHAWAN, JORBAGH ROAD, NEW DELHI-110 003.

- 5 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001
- 6 THE DIRECTOR OF MINING AND GEOLOGY
DIRECTORATE OF MINING AND GEOLOGY, PATTOM P.O,
KESAVADASAPURAM, THIRUVANANTHAPURAM-695004 (R5
AND R6 ARE IMPEADED AS PER ORDER DATED
08.07.2020 IN IA 1/2020 IN WPC)
- R4 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP (C) .No.12420 OF 2020 (B)

PETITIONER:

K.SADANANDAN
AMBADIYIL NEW BUNGLOW, PANNIVIZHA, ADOOR.P.O,
PATHANAMTHITTA.

BY ADVS.
SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695024
REPRESENTED BY ITS MEMBER SECRETARY.
- 2 THE MEMBER SECRETARY
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695024
- 3 THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, CHEMBUKKAVU, THRISSUR-680020
- 4 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF
ENVIRONMENT AND FORESTS, INDIRA PARYAVARAN

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BHAWAN, JORBAGH ROAD, NEW DELHI-110003

5 ADDL.R5.STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001

6 ADDL.R6.THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM
P.O., KESAVADASAPURAM, THIRUVANANTHAPURAM-
695004 ADDL.R4 AND R5 ARE IMPEADED AS PER
ORDER DATED 08.07.2020 IN IA 1/2020 IN WPC
NO.12420/2020.

R4 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP (C) .No.12439 OF 2020 (D)

PETITIONER:

KARIMALA GRANITES AND AGGREGATES PVT.LTD.
PATHANAD, KANGAZHA.P.O, KOTTAYAM-686541,
REPRESENTED BY ITS MANAGING DIRECTOR,
SRI.K.J.THOMASKUTTY

BY ADVS.

SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695024,
REPRESENTED BY ITS MEMBER SECRETARY
- 2 THE MEMEBER SECRETARY
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695024
- 3 THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, CHEMBUKKAVU, THRISSUR-680020
- 4 UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINING ON

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ENVIRONMENT AND FORESTS, INDIRA PARYAVARAN
BHAWAN, JORBAGH ROAD, NEW DELHI-110003

- 5 ADDL.R5.STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,DEPARTMENT OF
INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001
- 6 ADDL.R6.THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY, PATTOM
P.O., KESAVADASAPURAM, THIRUVANANTHAPURAM-
695004 ADDL.R5 AND R6 ARE IMPLEADED AS PER
ORDER DATED 08.07.2020 INIA 1/2020.

R4 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.13113 OF 2020(L)

PETITIONER:

M/S. ALPHA BRICKS AND METALS,
KARASSERY P.O., MUKKAM (V), KOZHIKODE-673602,
REPRESENTED BY ITS MANAGING PARTNER.

BY ADV. SRI.PHILIP J.VETTICKATTU

RESPONDENTS:

- 1 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY (SEIAA KERALA),
REPRESENTED BY ITS MEMBER SECRETARY, 4TH
FLOOR, KSRTC BUS TERMINAL COMPLEX,
THIRUVANANTHAPURAM-695001.
- 2 STATE LEVEL EXPERT APPRAISAL COMMITTEE,
REPRESENTED BY ITS CHAIRMAN, PALLIMUKKU, PETTAH
P.O., TRIVANDRUM-695024.
- 3 THE MEMBER SECRETARY,
STATE LEVEL ENVIRONMENTAL IMPACT ASSESSMENT
AUTHORITY (SEIAA KERALA), 4TH FLOOR, KSRTC BUS
TERMINAL COMPLEX, THIRUVANANTHAPURAM-695001.
- 4 THE DIRECTOR OF MINING AND GEOLOGY DEPARTMENT,
GOVERNMENT OF KERALA, KESAVADASAPURAM, PATTOM
P.O., THIRUVANANTHAPURAM, PIN-695001.
- 5 THE GEOLOGIST,
DEPARTMENT OF MINING GEOLOGY, DISTRICT OFFICE,
KOZHIKODE.

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6 THE MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE,
JORBAGH ROAD,
NEW DELHI -110 003
REPRESENTED BY ITS DIRECTOR

(ADDITIONAL R6 IMPEADED AS PER ORDER DATED
8/7/2020 IN IA 1/2020 IN WPC 13113/2020)

7 ADDL.R7.ONE EARTH ONE LIFE,
REPRESENTED BY ITS LEGAL CELL DIRECTOR,
SRI. TONY THOMAS. K, AGED 60 YEARS,
IRUMBAKACHOLA, MANNARKKAD P.O.,
PALAKKAD DISTRICT 678852.
IS IMPEADED AS PER ORDER DATED 02.11.2020 IN
I.A. NO.3/2020.

SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
R7 BY ADV. RAJAN VISHNURAJ
R7 BY ADV. SRI.V.HARISH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.15089 OF 2020(I)

PETITIONER:

RAVEENDRA ROCK PRODUCTS PVT. LTD.
EZHUMATTOOR P.O., PATHANAMTHITTA - 689 586
REPRESENTED BY ITS DIRECTOR SRI.VINEETH R.

BY ADVS.
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN
SRI.LEO LUKOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU KANNAMMOOLA RD., OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM - 695 024
REPRESENTED BY ITS MEMBER SECRETARY.
- 2 THE MEMBER SECRETARY
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU KANNAMMOOLA RD., OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM - 695024.
- 3 THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, ARANMULA P.O., PATHANAMTHITTA - 689
533.
- 4 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF
ENVIRONMENT AND FORESTS, INDIA PARAYAVARAN

..34..

BHAWAN, JORBAGH ROAD, NEW DELHI - 110 003.

5 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

6 THE DIRECTOR OF MINING AND GEOLOGY
DIRECTORATE OF MINING AND GEOLOGY, PATTOM
P.O., KESAVADASAPURAM,
THIRUVANANTHAPURAM - 695 004.

R4 BY SRI.T.V.VINU, CGC
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
SRI. VIJAYAKUMAR ASG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.15507 OF 2020(K)

PETITIONER:

PEE GEE AGGREGATES PVT LTD
11/165, REPRESENTED BY ITS MANAGING DIRECTOR,
NAVEEN MATHEW PHILIP , THEKKE NEDUMPLACKAL,
MALLAPPALLY WEST P.O. , PATHANAMTHITTA

BY ADVS.

SRI.P.HARIDAS
SRI.BIJU HARIHARAN
SRI.R.B.BALACHANDRAN
SRI.RENJI GEORGE CHERIAN
SRI.P.C.SHIJIN
SRI.RISHIKESH HARIDAS

RESPONDENTS:

- 1 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY (SEIAA KERALA)
REPRESENTED BY ITS MEMBER SECRETARY, 4TH
FLOOR, KSRTC BUS TERMINAL COMPLEX,
THIRUVANANTHAPURAM, PIN-695 001
- 2 STATE LEVEL EXPERT APPRAISAL COMMITTEE,
REPRESENTED BY ITS CHAIRMAN PALLIMUKKU, PETTAH
P.O. , TRIVANDRUM-695 024
- 3 THE MEMBER SECRETARY,
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY (SEIAA KERALA) 4TH FLOOR, KSRTC BUS
TERMINAL COMPLEX, THIRUVANANTHAPURAM-695 001

W.P.(C) Nos. 17533 of 2020 & con. cases

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- 4 THE DIRECTOR OF MINING AND GEOLOGY DEPARTMENT,
GOVERNMENT OF KERALA, KESAVADASAPURAM, PATTOM
P.O., THIRUVANANTHAPURAM, PIN-695 001
- 5 THE GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, PATHANAMTHITTA, PIN-689 533
- 6 ADDL.R6. ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD,
PATHANAMTHITTA, PIN-689645.
- 7 ADDL.R7. SECRETARY, KOTTANGAL GRAMA
PANCHAYATH,
PANCHAYATH OFFICE, KOTTANGAL, PIN-686547.
(IMPLEADED VIDE ORDER DATED 14-08-2020 IN IA 1
/2020)

SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.18778 OF 2020 (V)

PETITIONER:

CEMENT BRICKS AND ALLIED INDUSTRIES
CHORAKODE, VILANGU P O, ERNAKULAM - 683561,
REPRESENTED BY ITS MANAGING PARTNER, SRI.PAUL
VARGHESE.

BY ADVS.
SRI.ENOCH DAVID SIMON JOEL
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN

RESPONDENTS:

- 1 THE STATE ENVIORNMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU - KANNAMMOOLA ROAD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM - 695024,
REPRESENTED BY ITS MEMBER SECRETARY.
- 2 THE MEMBER SECRETARY,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU - KANNAMMOOLA ROAD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM - 695024,
- 3 THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, CIVIL STATION, KAKKANADU, ERNAKULAM -
682030.
- 4 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF
ENVIRONMENT AND FORESTS, INDIRA PARYAVARAN

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BHAWAN, JORBAGH ROAD, NEW DELHI - 110003.

5 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.

6 THE DIRECTOR OF MINING AND GEOLOGY
DIRECTORATE OF MINING AND GEOLOGY, PATTOM P.O,
KESAVADASAPURAM, THIRUVANANTHAPURAM - 695004,

R3, R5-6 BY SRI.K.V.SOHAN, STATE ATTORNEY
R4 BY SMT.SREEKALA K.L., CGC
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP (C) .No.18929 OF 2020 (M)

PETITIONER:

SAJI JOSE, AGED 41 YEARS
KATTARATH HOUSE, MUKKOM, KUNNAMANGALAM,
KOZHIKODE.

BY ADV. SRI.PHILIP J.VETTICKATTU

RESPONDENTS:

- 1 DISTRICT LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
(DEIAA), KOZHIKODE REPRESENTED BY ITS MEMBER
SECRETARY, THE REVENUE DIVISIONAL OFFICER,
KOZHIKODE-673 001.
- 2 THE DISTRICT LEVEL EXPERT APPRAISAL COMMITTEE
(DEAC)
KOZHIKODE, REPRESENTED BY ITS MEMBER
SECRETARY, THE GEOLOGIST, MINI CIVIL STATION,
KOZHIKODE-673 020
- 3 THE DISTRICT COLLECTOR,
KOZHIKODE, CIVIL STATION, KOZHIKODE, IN THE
CAPACITY OF CHAIRMAN TO THE DISTRICT LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(DEIAA), KOZHIKODE.
- 4 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
(SEIAA KERALA), REPRESENTED BY ITS MEMBER
SECRETARY, 4TH FLOOR, KSRTC BUS TERMINAL
COMPLEX, THIRUVANANTHAPURAM-695 001

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- 5 STATE LEVEL EXPERT APPRAISAL COMMITTEE,
REPRESENTED BY ITS CHAIRMAN, PALLIMUKKU,
KANNAMMOOLA ROAD, OVERBRIDGE,
VELAKUDI, TRIVANDRUM-695 024.
- 6 STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO
GOVERNMENT, SECRETARIAT, TRIVANDRUM-695001.
- 7 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
INDUSTRIES (A) DEPARTMENT, SECRETARIAT,
TRIVANDRUM-695 001
- 8 THE MINISTRY OF ENVIRONMENT,
CLIMATE AND FOREST CHANGE, JORBAGH ROAD, NEW
DELHI-110 003, REPRESENTED BY ITS DIRECTOR.

R3, R6-7 BY SRI.K.V.SOHAN, STATE ATTORNEY
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
SRI. VIJAYAKUMAR ASG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP (C) .No.19032 OF 2020 (D)

PETITIONER:

M.S.BUILDING PRODUCTS
PALACHIRA P.O., VARKALA, THIRUVANANTHAPURAM -
695 143, REP. BY ITS MANAGING PARTNER, SRI.
SREEKUMAR S.S.

BY ADVS.
SRI.ENOCH DAVID SIMON JOEL

RESPONDENT/S:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY
PALLIMUKKU- KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695 024, REP. BY
ITS MEMBER SECRETARY.
- 2 THE MEMBER SECRETARY
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
PALLIMUKKU-KANNAMMOOLA RD, OVERBRIDGE,
VELAKUDI, THIRUVANANTHAPURAM-695 024
- 3 THE DISTRICT GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT
OFFICE, KESAVADASAPURAM, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM-695 004
- 4 UNION OF INDIA
REP. BY THE SECRETARY, MINISTRY OF ENVIRONMENT
AND FORESTS, INDIRA PARYAVARAN BHAVAN, JORBAGH
ROAD, NEW DELHI-110003

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- 5 STATE OF KERALA
REP. BY ITS SECRETARY, DEPARTMENT OF
INDUSTRIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001
- 6 THE DIRECTOR OF MINING AND GEOLOGY
DIRECTORATE OF MINING AND GEOLOGY, PATTOM
P.O., KESAVADASAPURAM, THIRUVANANTHAPURAM-695
004.
- R3, R5-6 BY SRI.K.V.SOHAN, STATE ATTORNEY
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
SRI. VIJAYAKUMAR ASG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.19039 OF 2020(D)

PETITIONER:

SMILE M.ANTO, AGED 44 YEARS
S/O. ANTONY, MANGALASSERRY HOUSE,
MARUTHONKARA P.O. KAVILUMPARA VIA, KOZHIKODE
673 513.

BY ADV. SRI.PHILIP J.VETTICKATTU

RESPONDENTS:

- 1 DISTRICT LEVEL ENVIORNMENT IMPACT ASSESSMENT
AUTHORITY
(DEIAA), KOZHIKODE REPRESENTED BY ITS MEMBER
SECRETARY, THE REVENUE DIVISIONAL OFFICER,
KOZHIKODE 673 001.
- 2 THE DISTRICT LEVEL EXPEERT APPRAISAL
COMMITTEE (DEAC), KOZHIKODE REPRESENTED BY ITS
MEMBER SECRETARY , THE GEOLOGIST, MINI CIVIL
STATION, KOZHIKODE 673 020.
- 3 THE DISTRICT COLLECTOR,
KOZHIKODE CIVIL STATION KOZHIKODE, IN THE
CAPACITY OF CHAIRMAN TO THE DISTRICT LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(DEIAA), KOZHIKODE.
- 4 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY,
(SEIAA KERALA,) REPRESENTED BY ITS MEMBER
SECRETARY 4TH FLOOR KSRTC BUS TERMINAL
COMPLEX, THIRUVANANTHAPURAM 695 001.

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- 5 STATE LEVEL EXPERT APPRAISAL COMMITTEE,
REPRESENTED BY ITS CHAIRMAN, PALLIMUKKU,
KANNAMMOOLA ROAD, OVERBRIDGE, VELAKUDI,
TRIVANDRUM 695 024.
- 6 STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO
GOVERNMENT, SECRETARIAT, TRIVANDRUM 695 001.
- 7 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
INDUSTRIES (A) DEPARTMENT, SECRETARIAT,
TRIVANDRUM 691 001.
- 8 THE MINISTRY OF ENVIRONMENT,
CLIMATE AND FOREST CHANGE, JORBAGH ROAD, NEW
DELHI 110 003, REPRESENTED BY ITS DIRECTOR.

R2-3, R6-7 BY SRI.K.V.SOHAN, STATE ATTORNEY
R8 BY SRI.K.SHRI HARI RAO, CGC
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
SRI. VIJAYAKUMAR ASG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP(C).No.19589 OF 2020 (W)

PETITIONER:

ABDUL RAHIM, AGED 60 YEARS
S/O.MOYINKUTTY, PALAKULANGARA HOUSE,
MANGAMPOYIL, NEELESWARAM P.O., KOZHIKODE.

RESPONDENT/S:

- 1 DISTRICT LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY (DEIAA)
KOZHIKODE REPRESENTED BY ITS MEMBER SECRETARY,
THE REVENUE DIVISIONAL OFFICER, KOZHIKODE -
673001.
- 2 THE DISTRICT LEVEL EXPERT APPRAISAL COMMITTEE
(DEAC)
KOZHIKODE, REPRESENTED BY ITS MEMBER
SECRETARY, THE GEOLOGIST, MINI CIVIL STATION,
KOZHIKODE - 673 020.
- 3 THE DISTRICT COLLECTOR
KOZHIKODE, CIVIL STATION KOZHIKODE, IN THE
CAPACITY OF CHAIRMAN TO THE DISTRICT LEVEL
ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY (DEIAA), KOZHIKODE.
- 4 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY (SEIAA KERALA)
REPRESENTED BY ITS MEMBER SECRETARY, 4TH
FLOOR, KSRTC BUS TERMINAL COMPLEX,
THIRUVANANTHAPURAM - 695 001.

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- 5 STATE LEVEL EXPERT APPRAISAL COMMITTEE
REPRESENTED BY ITS CHAIRMAN, PALLIMUKKU,
KANNAMMOOLA ROAD, OVERBRIDGE, VELAKUDI,
TRIVANDRUM - 695 024.
- 6 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO
GOVERNMENT, SECRETARIAT, TRIVANDRUM - 695001.
- 7 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY,
INDUSTRIES (A) DEPARTMENT, SECRETARIAT,
TRIVANDRUM - 695001.
- 8 THE MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE, JORBAGH ROAD, NEW
DELHI -110 003, REPRESENTED BY ITS DIRECTOR.

R8 BY ADV. MR.B.PRAMOD, CGC
SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC
SRI. VIJAYAKUMAR ASG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos. 17533 of 2020 & con. cases

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 02ND DAY OF NOVEMBER 2020 / 11TH KARTHIKA,
1942

WP (C) .No.19629 OF 2020 (C)

PETITIONER:

M/S.PONORPOYIL GRANITES,
MARANCHATTY, KOODARANHI P.O., KOZHIKODE
DISTRICT-673604, (REPRESENTED BY ITS MANAGING
DIRECTOR, AJAS M.M, S/O.M.C.MUHAMMED,
MUSLLARAKATH HOUSE, KOODARNHI P.O.,
KOZHIKODE DISTRICT-673604).

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY (SEIAA) ,
KERALA, REPRESENTED BY ITS SECRETARY,
K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR,
THAMPANOR, THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR,
MINING AND GEOLOGY, DIRECTORATE OF MINING AND
GEOLOGY, KESAVADASAPURAM, PATTOM P.O.,
THIRUVANANTHAPURAM-695004.
- 3 THE GEOLOGIST,
DISTRICT OFFICE, MINING AND GEOLOGY
DEPARTMENT, CIVIL STATION P.O., KOZHIKODE-
673020.

SRI. RENJITH THAMPAN, ADDL.AG
SRI. M.P. SREEKRISHNAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02.11.2020, ALONG WITH WP(C).17533/2020 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.R.

P.B.SURESH KUMAR, J.

**W.P.(C) Nos.17533, 10803, 10860, 10862, 10880,
11048, 11053, 11079, 11106, 11409, 11614,
11763, 12420, 12391, 12439, 13113, 15089,
15507, 18778, 18929, 19032, 19039,
19589 and 19629 of 2020**

Dated this the 2nd day of November, 2020

JUDGMENT

Common questions relating to the validity of Environmental Clearance (EC) granted in terms of the Environment Impact Assessment Notification, 2006 (2006 notification) issued by the Central Government under sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (the Act), arise for consideration in this batch of writ petitions. The writ petitions are, therefore, disposed of by this common judgment.

2. The facts of the cases involved in this batch are similar, if not identical. As such, it is not necessary to refer

to the facts of all cases. I am, therefore, referring to the facts brought out in W.P.(C) No.17533 of 2020 alone for the purpose of adjudicating the questions.

3. The petitioner in W.P.(C) No.17533 of 2020 is the grantee of a quarrying lease in terms of the Kerala Minor Mineral Concession Rules, 2015 (KMMC Rules) framed under the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act) for extracting building stones for a period of 12 years. In order to commence the operation of the building stone quarry of the petitioner, he applied for EC to the State Level Environment Impact Assessment Authority (SEIAA), the regulatory body at the State level under the 2006 Notification, and on the basis of the recommendation made by the State Level Expert Appraisal Committee (SEAC), the appraisal body at the State level, the petitioner has been granted EC by SEIAA for his building stone quarry project on 05.12.2014. It is stated by the petitioner that the life of the project of the petitioner as estimated by him and intimated by him to SEIAA is 20 years and as such, he should have been granted EC for a period of 20 years. Instead, it is alleged that the SEIAA had limited the

validity of the EC issued to the petitioner to five years. The case of the petitioner in the writ petition, in essence, is that the decision of SEIAA to limit the validity of the EC granted to him to five years is *ultra vires* the 2006 notification, in terms of which the EC has been granted to him. In order to make out the said case, the petitioner relies on Clause (9) of 2006 notification to contend that in terms of the said provision, if the appraisal body, viz, SEAC recommends for grant of EC to a particular applicant and if the recommendation is found acceptable, SEIAA is bound to grant EC for mining projects for the life of the project. It is stated by the petitioner that since the life of the project of the petitioner is 20 years, on the expiry of the period of five years, the petitioner preferred an application before SEIAA for extension of the validity of the EC granted to him. It is alleged that to the dismay of the petitioner, the application preferred by him is treated by SEIAA as a fresh application for grant of EC and is being processed accordingly. It is also stated by the petitioner that the enquiries made by him in this regard reveal that on 31.10.2014, as sufficient enforcement arrangement were not

available, the SEIAA has decided to limit the validity of the ECs to mining project to five years, instead of the life of the projects and to permit the project proponents to apply for fresh ECs after five years. Ext.P20 is the said decision of SEIAA. It is stated by the petitioner that Ext.P20 decision was made known to the public only when it was uploaded by SEIAA in its website on 13.08.2020. It is also stated by the petitioner that it is revealed that in the meanwhile, on 27.02.2019, the SEIAA has also decided to simplify the process of the application for extension of ECs made, in accordance with Ext.P20 decision, by insisting the applicants concerned to prefer applications for extension at least six months before the expiry of the validity of the EC in the updated Form 1 with the mining plan, processing fee and photographs and to consider the same with the report of SEAC. Ext.P21 is the decision taken by SEIAA in this regard. The case of the petitioner as regards Exts.P20 and P21 decisions of SEIAA is also that the same are *ultra vires* the 2006 notification. The petitioner, therefore, challenges in this writ petition, Exts.P20 and P21 decisions of SEIAA. He also seeks directions to the SEIAA to validate the EC granted to him

for the life of his project, viz, 20 years.

4. As indicated, the facts of the remaining cases are more or less similar. The difference in the remaining cases is mainly as regards the project life estimated by the project proponents concerned and intimated by them to the regulatory authorities. The project life in the remaining cases varies from 6.5 years to 20 years. Similarly, ECs have been granted to the petitioners in the remaining cases between 24.05.2014 and 29.12.2017. Among these cases, except in W.P.(C) No.10880 of 2020, ECs have been granted after Ext.P20 decision. As far as W.P.(C) No.10880 of 2020 is concerned, the EC is seen granted to the petitioner therein prior to Ext.P20 decision namely, on 24.05.2014. Though it is stated in the EC given to the petitioner in the said case that its validity is 13 years, it is mentioned therein that the petitioner shall renew the same once in five years. Similarly, in a few cases, ECs have been issued by the district level regulatory bodies, and the validity of the said ECs have also been limited to five years by the regulatory bodies concerned, placing reliance on Ext.P20 decision of SEIAA. Unlike in W.P.(C) No.17533 of 2020, in some

writ petitions, the petitioners seek a declaration that the ECs granted to them are valid for the duration of the life of the projects of the petitioners concerned.

5. A statement has been filed by the learned Standing Counsel for SEIAA in W.P.(C) No.17533 of 2020 and a joint statement has been filed by him in W.P.(C) Nos.11763 of 2020, 10803 of 2020, 10860 of 2020, 10862 of 2020, 10880 of 2020, 11048 of 2020, 11053 of 2020, 11079 of 2020, 11106 of 2020, 11409 of 2020, 11614 of 2020, 11763 of 2020, 12420 of 2020, 12439 of 2020 and 12391 of 2020. It is contended in the aforesaid statements that the petitioners having not challenged the condition in the ECs granted to them as regards its validity before the National Green Tribunal in appeals, as provided for under Section 16 of the National Green Tribunal Act, they are precluded from instituting writ petitions invoking Article 226 of the Constitution for the said purpose, that too, after the period prescribed for filing appeals before the National Green Tribunal. It is also contended by SEIAA in the statements that the petitioners having accepted the limited term ECs granted to them and having conducted quarrying

operations on the strength of the same, they are precluded from challenging its validity in any forum. It is further contended by SEIAA in the aforesaid statements that the life of the mine as stated by the project proponents in their applications for grant of ECs and the project life in terms of Clause (9) of 2006 notification are different; that the validity of EC was limited to five years since the mining plan is being approved by the competent authority under the KMMC Rules only for a period of five years so as to make the EC in consonance with the KMMC Rules. It was further contended by SEIAA in the statements that the State of Kerala being an ecologically sensitive place, if the ECs are issued for mining projects for a longer period than five years, there will be dilution in post monitoring leading to environmental instability.

6. Heard the learned counsel for the petitioners, the learned Standing Counsel for SEIAA as also the learned Additional Advocate General for the State.

7. As indicated, the essence of the submissions made by the learned counsel for the petitioners in the writ petitions is that the decision of SEIAA to limit the validity of the

ECs granted to the petitioners to five years is *ultra vires* the 2006 notification, in terms of which the ECs are granted to the petitioners. They rely on Clause (9) of 2006 notification to contend that in terms of the said provision, if SEIAA finds that the applicant concerned is entitled to EC, it is bound to grant EC for mining projects for the life of the project. In order to reinforce the said contention, the learned counsel for the petitioners pointed out that in the earlier notification which was substituted by 2006 notification, the provision was to the effect that the ECs are to be granted for a limited period and the said provision was removed when 2006 notification was issued. It was also pointed out by the learned counsel that it is on account of the said scheme of 2006 notification, no provision is made in the said notification for renewal of the EC once granted. According to the learned counsel, SEIAA has, in fact, acted contrary to 2006 notification in the matter of taking Exts.P20 and P21 decisions. It was also pointed out by the learned counsel for the petitioners that SEIAA being an authority constituted for exercising the powers under 2006 notification, they cannot take decisions in the nature of

Exts.P20 and P21 contrary to 2006 notification, whatever be the reasons justifying such decisions. It was pointed out by the learned counsel that the life of the projects as estimated by the petitioners and informed to the regulatory authorities concerned has not been found to be incorrect by the appraisal bodies and therefore, the petitioners ought to have been granted ECs for the duration of their project, as claimed by them in their applications.

8. Apart from the aforesaid general arguments, placing reliance on the decision of the Supreme Court in **Chief Settlement Commissioner, Punjab and Others v. Om Parkash and Others**, AIR 1969 SC 33, Adv.Sri.Philip J. Vettickattu, appearing for the petitioners some of the writ petitions contended that the bodies like SEIAA have no inherent power or authority, and their decisions shall always be within the limits of the authorities given to them by the statute or the subordinate legislation, as the case may be. According to the learned counsel, since the scheme of the 2006 notification is that the validity of the EC shall be the life of the project, an authority constituted to exercise the powers of the

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notification cannot take a decision contrary to the notification, whatever be the justification for the same. Placing reliance on the decision of this Court in **Easwaranunni v. State of Kerala**, 2020 (2) KLT 362, the learned counsel argued that Exts.P20 and P21 are vitiated by the principle of fraud on power, for the exercise of power by an authority not intended by the law making bodies, would amount to fraud on power. Placing reliance on the decision of the Apex Court in **Satish v. State of Uttar Pradesh**, 2020 (5) KLT OnLine 1009 (SC), the learned counsel also argued that once the law has been made by the appropriate legislature, then it is not open for the executive authorities to surreptitiously subvert its mandate. Similarly, placing reliance on the decision of this Court in **Nagaroor Grama Panchayat v. Vijayakumar**, 2016 (3) KLT 82, Adv.Sri. Enoch David Simon Joel, appearing for the petitioners in some other writ petitions contended that the authorities constituted in terms of a statute have to exercise their power independently and shall not exercise their power based on anything which is not statutorily insisted or permitted. He has also pointed out that in **MGM Minerals Ltd.**

v. SEIAA, 2014 SCC OnLine Orissa 510, the High Court of Orissa has held that the decision of the regulatory body involved in that case under the 2006 notification in limiting the validity of the EC granted to the petitioner therein to five years is without jurisdiction.

9. The learned Standing Counsel for SEIAA reiterated the stand taken by SEIAA in the statements filed in the matters.

10. The learned Additional Advocate General supported the contentions taken by SEIAA, pointing out that insofar as the ECs granted to the petitioners were appealable before the National Green Tribunal, the writ petitions seeking directions for modifying the ECs are not maintainable. It was also argued by the learned Additional Advocate General that at any rate, the writ petitions shall not be entertained by this Court since they are unreasonably belated. It was also argued by the learned Additional Advocate General that the principle of “approbate and reprobate” precludes the petitioners from seeking the reliefs claimed in the writ petitions as they have availed the benefit of the grant subject to the condition which

W.P.(C) Nos. 17533 of 2020 & con. cases

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is impugned in the writ petitions. The learned Additional Advocate General relied on the decisions of the Apex Court in **State of Punjab and Others v. Dhanjit Singh Sandhu**, (2014) 15 SCC 144 and **Rajasthan State Industrial Development and Investment Corporation and another v. Diamond & Gem Development Corporation Limited and another**, (2013) 5 SCC 470), in support of the said contention. It was also argued by the learned Additional Advocate General that SEIAA being a regulatory authority, it is certainly within its powers to impose general conditions in the nature of one impugned in the writ petitions in the matter of granting ECs. It was argued that at any rate, the issue being one relating to environment, the precautionary principle suggests that the court shall accept only the stand taken for the purpose of protecting the environment. As regards the merits of the contentions advanced by the learned counsel for the petitioners, it was argued by the learned Additional Advocate General that what is provided for in Clause (9) of the 2006 notification as regards the validity of the EC is that the validity of EC as far as mining projects are concerned shall be

the project life as estimated by the expert appraisal committees. It was pointed out by the learned Additional Advocate General that the expert appraisal committees have not estimated the project life in any of the cases, and the petitioners cannot, therefore, be granted the relief claimed by them.

11. In reply to the arguments advanced by the learned Standing Counsel for SEIAA that the petitioners could have challenged the ECs granted to them in appeal before the National Green Tribunal, Adv.Sri.Philip J. Vettickattu contended, relying on the decision of the Division Bench of this Court in **Panopharam v. Union of India**, 2010(3) KLT 149 that the relief claimed by the petitioners in the writ petitions are certainly not relief that could have been granted by the National Green Tribunal, had the petitioners preferred appeal challenging the ECs granted to them before the said Tribunal and therefore, the writ petitions are certainly maintainable. As regards the contention advanced by the learned Additional Advocate General that the writ petitions are belated, Sri.P.Deepak, the learned counsel appearing for the petitioner

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in W.P.(C) No.19629 of 2020 contended that the relief claimed in the writ petitions essentially being a declaration that the ECs granted to the petitioners have a longer period of validity, the writ petitions admittedly instituted within the said longer period of validity cannot be said to be belated.

12. In the light of the pleadings of the parties and the submissions made at the Bar, the question falls for consideration is whether the regulatory bodies empowered to grant EC in terms of 2006 notification are justified in restricting the validity of the ECs to five years. However, having regard to the various contentions raised by SEIAA as also the State as regards the maintainability of the writ petitions, the question aforesaid needs to be considered only if this court finds that the contentions raised as regards the maintainability of the writ petitions are unsustainable.

13. Let us, therefore, consider the contentions raised by SEIAA as also the State as to the maintainability of the writ petitions. Section 16(h) of the National Green Tribunal Act, 2010 provides for an appeal against an order granting EC in an area where any industries, operations, processes or class

of industries, operations and processes shall not be carried out or shall be carried out only subject to certain safeguards under the Act. Obviously, the said right of appeal is provided in favour of third parties who are aggrieved by such grants and the said right is subject to the restrictions in the provision, viz, that the grant must relate to the areas mentioned in the provision. Similarly, Section 16(i) of the National Green Tribunal Act provides for a right of appeal against an order refusing to grant EC for carrying out any activities or operation or process under the Act. The said provision, of course, is one in favour of the project proponents whose applications for grant of EC have been rejected by the competent authority. But, as evident from the provision, the remedy provided therein is against an order refusing to grant EC. The question is whether the petitioners in this batch of cases could have challenged the grant in their favour limiting its validity to 5 years in appeal invoking the said provision before the Tribunal. It is well settled that right of appeal is a creature of statute, for the right of appeal inheres in no one and therefore, for maintaining an appeal, there must be authority of law. Needless to say, a right of appeal cannot

be assumed to exist unless expressly provided for by the statute and a remedy of appeal must be legitimately traceable to the statutory provisions. If the express words employed in a provision do not provide an appeal from a particular order, the court is bound to follow the express words. [See **Ganga Bai v. Vijay Kumar**, (1974) 2 SCC 393]. The scheme of the appellate provision referred to above is not to provide for a right of appeal against any order passed by the competent authority empowered to grant or refuse EC, but only to provide for right of appeal against a few specific orders. As such, the question to be examined is whether the ECs granted in favour of the petitioners limiting its validity to 5 years could be regarded as orders refusing to grant EC. ECs granted in favour of the petitioners cannot be regarded as orders refusing to grant EC to the petitioners and therefore, it cannot be said that the petitioners could have challenged the decision of the regulatory authorities in limiting the validity of the grant in their favour in appeal before the Tribunal.

14. True, the petitioners could have approached this Court when they were granted ECs limiting its validity to

five years. As indicated, the petitioners who were granted ECs in between 24.05.2014 and 29.12.2017 have instituted the writ petitions only during 2020. Should this Court decline jurisdiction to entertain the writ petitions on that ground is the next question. While it is settled that a belated petition cannot be entertained under Article 226 of the Constitution, it is equally settled that the aforesaid rule is only a rule of practice and not a jurisdictional bar. Further, the defence of laches or inordinate delay is a defence in equity and as such, if there is no breach of equity, there is no reason why the courts should decline to exercise the jurisdiction vested in it. Coming to the cases on hand, the respondents in the writ petitions have a case that the petitioners are in breach of equities in the matter of approaching this Court for the relief claimed. Further, as pointed out by Adv.Sri.P.Deepak, the relief claimed in the writ petitions being essentially for a declaration that the ECs granted to the petitioners have a longer period of validity, the writ petitions having been instituted within the said longer period of validity cannot be said to be belated. The objection of the respondents that the writ petitions are belated is,

therefore, rejected.

15. The principle that one cannot approbate and reprobate is a species of doctrine of election and the doctrine of election is a species of doctrine of estoppel. It is now trite that the principle of estoppel has no application when statutory rights and liabilities are involved. It cannot, at any rate, impede a right of appeal, particularly the constitutional remedy [See the decision of the Apex Court in **P.R.Deshpande v. Maruti Balaram Haibatti** (1998) 6 SCC 507]. The objection that the principle that one cannot approbate and reprobate, precludes the petitioners from instituting the writ petitions is also therefore, rejected.

16. I shall now deal with the question formulated for decision. Section 3 of the Act reads thus:

3. Power of Central Government to take measures to protect and improve environment. - (1) Subject to the provisions of this Act, the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely:

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(i) co-ordination of actions by the State Governments, officers and other authorities

(a) under this Act, or the rules made thereunder; or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever: Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

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[\(x\)](#) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

[\(xi\)](#) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

[\(xii\)](#) collection and dissemination of information in respect of matters relating to environmental pollution;

[\(xiii\)](#) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;

[\(xiv\)](#) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

[\(3\)](#) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to

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exercise those powers or perform those functions or take such measures.

As indicated, 2006 notification is one issued by the Central Government under sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Act. Sub-section (3) of Section 3 of the Act empowers the Central Government to constitute, by order, authorities for the purpose of exercising the powers and performing the functions of the Central Government under the Act with respect to matters referred to in sub-section (2) of Section 3 as may be mentioned in the order. Sub-section (3) of Section 3 of the Act provides that the authorities so constituted may exercise the powers or perform the functions so mentioned in the order. Exts.P3 to P5 in WP(C) No.17533 of 2020 are orders issued by the Central Government under Sub-section (3) of Section 3 of the Act constituting SEIAA. Exts P3 to P5 orders provide categorically that the SEIAA shall exercise such powers and follow such procedures as enumerated in 2006 notification. Needless to say, SIEAA is empowered to exercise only the powers conferred on it in terms of 2006 notification.

17. 2006 notification, among others, deals with the requirements of prior EC, the constitution of the regulatory authorities, the manner in which the regulatory authorities have to transact their business, the validity of EC, etc. The scheme of the notification is that applications for prior ECs would be appraised by the appraisal committees concerned in the manner indicated in the notification and would be placed before the regulatory bodies concerned with their recommendations. The regulatory bodies would, thereafter, consider and take a decision either to grant or reject EC. Clause 8(ii) of the notification, however, clarifies that if the regulatory bodies disagree with the recommendations of the appraisal committees, they shall request the appraisal committees to reconsider the recommendations and in that event, the appraisal committees shall forward to the regulatory bodies its views on the reasons for disagreement. The said provision also clarifies that the regulatory bodies have to take a decision thereafter on the applications for grant of ECs, based on the recommendations and the views forwarded by the appraisal committees concerned on the reasons for

disagreement communicated to them. Clause 9 of 2006 notification dealing with the validity of the EC reads thus:

9. Validity of Environmental Clearance (EC):

(i) The “Validity of Environmental Clearance” is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub-paragraph (iii) of paragraph 8, to the start of production operations by the project or activity, or completion of all constructions operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects [item 1(c) of the Schedule], project life as estimated by the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and seven years in the case of all other projects and activities.

(ii) In the case of Area Development projects and Townships [item 8(b)], the validity period of seven years shall be limited only to such activities as may be the responsibility of the applicant as a developer;

Provided that this period of validity with respect to sub-paragraphs (i) and (ii) above may be extended by the regulatory authority concerned by a maximum period of three years if any application is made to the regulatory authority by the applicant within the validity period, together with an updated Form I, and Supplementary Form 1A for construction projects or activities (item 8 of the Schedule):

Provided further that the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee, as the case may be, for grant of such extension.

(iii) Where the application for extension under sub-paragraphs

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(i) and (ii) above has been filed---

(a) within thirty days after the validity period of Environmental Clearance, such cases shall be referred to concerned Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee and based on their recommendations, the delay shall be condoned at the level of the Joint Secretary in the Ministry of Environment, Forest and Climate Change or Member Secretary, State Level Expert Appraisal Committee or Member Secretary, District Level Expert Appraisal Committee, as the case may be;

(b) more than thirty days after the validity period of Environmental Clearance but less than ninety days after such validity period, then, based on the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee, the delay shall be condoned with the approval of the Minister in charge of Environment, Forest and Climate Change or Chairman, as the case may be:

Provided that no condonation for the delay shall be granted for any application for extension filed beyond ninety days after the validity period of Environmental Clearance.

While the clause aforesaid prescribes specific validity periods for the ECs to be granted for various projects or activities, the same does not prescribe a specific validity period for the ECs to be issued for mining projects. Instead, it is provided therein that the validity of the ECs to be issued for mining projects shall be the project life as estimated by the expert appraisal committees concerned, subject to a maximum of 30 years. Likewise, though the clause aforesaid makes a provision for

extension of the validity of the ECs issued for projects falling under clause 8 of the schedule to 2006 notification, there is no provision therein for extension of the validity of the ECs granted for mining projects. Further, there is also no provision in the notification for a fresh grant of EC for a project for which EC is granted once. In other words, the scheme of 2006 notification as far as mining projects are concerned, is that if it is found that EC is to be granted for a mining project, the same shall be granted for the life of the project as estimated by the expert appraisal committees concerned. In the said the view of the matter, according to me, the decision of SEIAA to limit the validity of the ECs to be granted for mining projects to 5 years, is against the terms and spirit of 2006 notification. As noted, SEIAA being a body constituted only for the purpose of exercising the powers of the Central Government in terms of 2006 notification, it cannot take a decision otherwise than in accordance with the notification, for it does not have any inherent power or authority. That does not mean that SEIAA cannot exercise any powers incidental to the powers vested in it in terms of the notification. SEIAA would certainly be justified

in exercising powers incidental and ancillary to the powers conferred on it for the purpose of achieving the object of the notification, but it can never take any decision contrary to the terms of the notification or its scheme and spirit, whatever be the justification for the same. It is trite that where the power exercised by a quasi-judicial authority cannot reasonably be held to be incidental to the power expressly granted, the action would be *ultra vires* [See **Bishweshwar Dayal Sinha v. University of Bihar**, AIR 1965 SC 601]. Insofar as it was found that the petitioners in this batch of writ petitions were eligible for ECs in terms of 2006 notification, the regulatory authorities concerned should have granted to them ECs for the life of their respective projects. Similar view is seen taken by the High Court of Orissa in **MGM Minerals Ltd.**

18. As evident from clause 9 of the 2006 notification, the provision therein as regards the validity of the ECs to be granted for mining projects is that it shall be valid for the period of the project life as estimated by the appraisal committees concerned. In other words, it was obligatory for the appraisal committees concerned in all the cases to make an

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estimation of the life of each project. As rightly pointed out by the learned Additional Advocate General, the project life is not one to be estimated by the project proponents, but to be estimated by the appraisal committees concerned. Though it was submitted on behalf of some of the petitioners that the appraisal committees in their cases have made an estimation of the project life, on a meticulous examination of the materials, I am unable to accept the said contention. Further, as noted, as early as on 31.10.2014, SEIAA has decided to limit the ECs to be issued for mining projects to 5 years and therefore, there was no occasion at all for the expert appraisal committees concerned to make an estimation of the life of the projects of the petitioners.

19. I have already found that the decision of SEIAA to limit the validity of the ECs to be granted for mining projects to 5 years is against the terms and spirit of 2006 notification and the said decision is *ultra vires* the 2006 notification. In the said view the matter, Ext.P20 decision of SEIAA is illegal and without jurisdiction.

20. The learned Standing Counsel for SEIAA has

made an attempt to justify Ext.P20 decision contending that the same was one issued to make the ECs to be granted in terms of 2006 notification in tune with the KMMC Rules. This is an afterthought. It is seen from Ext.P20 decision itself that the same was taken since it was felt that sufficient enforcement mechanism is not available in the State for monitoring compliance of the various conditions imposed in the matter of granting ECs. When a statutory functionary makes an order based on a ground, its validity must be judged by the reason so mentioned and cannot be supplemented by fresh reasons, for otherwise, an order which is bad at the beginning would get validated when it comes to the court on account of a challenge [**Mohinder Singh Gill v. The Chief Election Commissioner, New Delhi**, (1978) 1 SCC 405]. Be that as it may, since it is found that SEIAA has no authority to take a decision in the nature of Ext.P20, the reason that prompted SEIAA to take such a decision is irrelevant as well.

21. As regards the arguments advanced by the learned Additional Advocate General based on precautionary principle, I must state that the various principles evolved by

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the courts in environmental law such as polluter pays, sustainable development, precautionary principle etc. cannot be put forward in a case where the decision taken by the statutory authority is impugned for of want of jurisdiction. The aforesaid are only principles evolved to be followed as guiding principles while dealing with matters relating to environment.

22. As noted, the appraisal committees concerned have not estimated the life of the projects of the petitioners in any of the cases while making recommendations to the regulatory bodies for grant of ECs. As such, the declaration sought by the petitioners that they are entitled to ECs for the life of their respective projects as estimated by them cannot be granted. In other words, the life of the projects of the petitioners needs to be estimated by the appraisal committees concerned.

In the circumstances, the writ petitions are disposed of directing the regulatory bodies concerned to call for additional recommendations from the appraisal committees after estimating the life of the projects of the petitioners in respect of which ECs have been issued to them, and

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thereupon, re-validate the ECs granted to the petitioners, wherever necessary. It is made clear that in the matter of making estimation of the life of the projects in terms of this judgment, it will be open to the appraisal committees to call for additional information required and in that event, it will be obligatory for the petitioners to furnish the additional information called for. It is also made clear that the recommendations of the appraisal committees in this regard would not be binding on the regulatory bodies, and in the event the regulatory bodies disagree with the recommendations made by the appraisal committees as regards the project life of the petitioners, the regulatory bodies would be free to follow the procedure mentioned in clause 8 of 2006 notification in the matter of arriving at the conclusion as to the life of the projects of the petitioners, for the purpose of complying with the directions contained in this judgment. The directions aforesaid shall be complied with, within four months from today.

**P.B.SURESH KUMAR
JUDGE**

ds 21.10.2020

APPENDIX OF WP (C) 17533/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF RELEVANT PAGES OF THE QUARRYING LEASE EXECUTED BETWEEN THE PETITIONER AND THE STATE DATED 19/3/2015.
- EXHIBIT P2 TRUE COPY OF THE CERTIFICATE OF ENVIRONMENTAL CLEARANCE BEARING DATED 5/12/2014 ISSUED TO THE PETITIONER.
- EXHIBIT P3 TRUE COPY OF NOTIFICATION NO.S.O.2484(E) , DATED 3/11/2011.
- EXHIBIT P4 TRUE COPY OF NOTIFICATION NO.S.O.804(E) , DATED 19/3/2015.
- EXHIBIT P5 TRUE COPY OF NOTIFICATION NO.S.O.4913(E) , DATED 19/9/2018.
- EXHIBIT P6 TRUE COPY OF THE INDEX OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR ENVIRONMENTAL CLEARANCE DATED 20/3/2014.
- EXHIBIT P7 TRUE COPY OF THE RELEVANT PAGES OF THE CHECK LIST FOR MINING PROJECT WHICH FORM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DATED 20/3/2014.
- EXHIBIT P8 TRUE COPY OF RELEVANT PAGES OF FORM I APPLICATION SUBMITTED BY THE PETITIONER DATED 20/3/2014.
- EXHIBIT P9 TRUE COPY OF THE RELEVANT PAGES OF QUESTIONNAIRE FOR MINING PROJECT WHICH FORM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DATED 20/3/2014.
- EXHIBIT P10 TRUE COPY OF RELEVANT PAGES OF PRE-FEASIBILITY CUM ENVIRONMENT MANAGEMENT

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PLAN WHICH FORM PART OF APPLICATION OF ENVIRONMENTAL CLEARANCE DATED 20/3/2014.

- EXHIBIT P11 TRUE COPY OF GEOLOGICAL PLAN, SURFACE PLAN AND POST MINE CLOSURE PLAN WHICH FORM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DT. 20/3/2014.
- EXHIBIT P12 TRUE COPY OF THE RELEVANT PAGES OF THE QUARRYING PLAN SUBMITTED ALONG WITH THE APPLICATION FOR ENVIRONMENTAL CLEARANCE DT. 20/3/2014.
- EXHIBIT P13 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 29TH MEETING OF THE 2ND RESPONDENT HELD ON 2ND AND 3RD MAY 2014.
- EXHIBIT P14 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 32ND MEETING OF THE 2ND RESPONDENT HELD ON 12TH/13TH AUGUST 2014.
- EXHIBIT P15 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE MEETING OF THE 1ST RESPONDENT HELD ON 31/10/2014 DECIDING TO GRANT ENVIRONMENTAL CLEARANCE WITH A VALIDITY OF 5 YEARS.
- EXHIBIT P16 TRUE COPY OF THE RELEVANT PAGES OF THE APPLICATION SUBMITTED BY THE PETITIONER DT. 28/8/2019.
- EXHIBIT P17 TRUE COPY OF THE RELEVANT PAGES OF THE SCHEME OF MINING SUBMITTED BY THE PETITIONER FOR THE PERIOD 2019-2020 TO 2023-2024.
- EXHIBIT P18 TRUE COPY OF THE APPLICATION PREPARED BY THE PETITIONER FOR REQUESTING THE COPY THE MINUTES UNDER THE PROVISIONS OF RIGHT TO INFORMATION ACT, 2005 DATED 7/8/2020.

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- EXHIBIT P19 TRUE COPY OF THE EMAIL COMMUNICATION SENT BY THE PETITIONER ENQUIRING ABOUT THE MINUTES DATED 7/8/2020.
- EXHIBIT P20 (1). TRUE COPY OF THE RELEVANT PAGES OF MINUTES OF MEETING OF RESPONDENTS 1 AND 2 DOWNLOADED FROM THE WEB SITE OF THE 1ST RESPONDENT DATED 31/10/2014.
(2). TRUE COPY OF RELEVANT PAGES OF EXT. P20 VIZ PAGE NO.106 AND 107 OF THE WRIT PETITION.
- EXHIBIT P21 TRUE COPY OF THE RELEVANT PAGES OF MINUTES OF 89TH MEETING OF THE 1ST RESPONDENT DATED 27/2/2019.
- EXHIBIT P22 TRUE COPY OF THE RELEVANT PAGES OF MINUTES OF MEETING CONVENED AT THE INSTANCE OF GOVERNMENT DATED 15/5/2019.

APPENDIX OF WP (C) 10803/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE ENVIRONMENT CLEARANCE CERTIFICATE NO 02/2017 DTD 29.03.20187 WITH FILE NO.DEIAA/EC2/2017 (P 977/16) ISSUED BY THE DISTRICT ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM
- EXHIBIT P2 TRUE ABSTRACT COPY OF THE APPROVED MING PLAN OF THE PETITIONER
- EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED 24.12.2014 IN WPC NO.25211/2013 ON THE FILES OF THE HON'BLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/0646/2014
- EXHIBIT P4 TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 10/12/2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (A) TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 19/03/2015 PASSED BY THE 4TH RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE ABSTRACT OF THE DRAFT OF THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 2020.

APPENDIX OF WP (C) 10860/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1** TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO. 49 DTD 23-04-2016 WITH THE NO. 570/SKIAA/ECI/4174/2014 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2** TRUE ABSTRACT COPY OF THE APPROVED MINING PLAN OF THE PETITIONER ALONG WITH THE COVERING LETTER DATED 25-11-2015 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P3** TRUE COPY OF THE JUDGMENT DATED 24-12-2014 IN WP(C) NO. 25211/2013 ON THE FILES OF THE HON'BLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/0646/2014
- EXHIBIT P4** TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 10/12/2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (A)** TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 19/03/2015 PASSED BY THE 4TH RESPONDENT.
- EXHIBIT P5** TRUE COPY OF THE ABSTRACT OF THE DRAFT OF THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 2020.

APPENDIX OF WP (C) 10862/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO. 24/2017 DTD 31-03-2017 WITH FILE NO. 934/SEIAA/ECI/3911/2015 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2 TRUE ABSTRACT COPY OF THE APPROVED MINING PLAN OF THE PETITIONER ALONG WITH THE COVERING LETTER DATED 07-09-2015 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED 24-12-2014 IN WP(C) NO. 25211/2013 O THE FILES OF THE HON'BLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/6646/2014
- EXHIBIT P4 TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 10/12/2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (A) TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 19/03/2015 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE ABSTRACT OF THE DRAFT OF THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 2020.

APPENDIX OF WP (C) 10880/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1** **TRUE COPY OF THE ENVIRONMENT CLEARANCE
CERTIFICATE DTD 24.0.2014 ISSUED BY
THE 1ST RESPONDENT**
- EXHIBIT P2** **TRUE COPY OF THE JUDGMENT DATED
24.12.2014 IN WPC NO.25211/2013 ON THE
FILES OF THE HON'BLE HIGH COURT OF
ORISSA AS REPORTED IN
MANU/OR/0646/2014**

APPENDIX OF WP (C) 11048/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1** TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO 42/2016 DATED 23.4.2016 WITH NO 847/SEIAA/ECI/2859/2015 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2** TRUE COPY OF THE JUDGMENT DATED 24.12.2014 IN WPC NO 25211/2013 ON THE FILES OF THE HON'BLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/.0646/2014
- EXHIBIT P3** THE ABSTRACT COPY OF THE MINING PLAN DATED 26/02/2015 APPROVED BY THE 3RD RESPONDENT.
- EXHIBIT P4** TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 10/12/2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (A)** TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 19/03/2015 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P5** TRUE COPY OF THE ABSTRACT OF THE DRAFT OF THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 2020.

APPENDIX OF WP (C) 11053/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO. 158/2016 DTD. 30.09.2016 WITH FILE NO. 870/SEIAA/EC4/3101/2015 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P1 (A) TRUE COPY OF THE ERRATUM ORDER DATED 06.05.2017 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P1 (B) TRUE COPY OF THE ORDER DATED 17.03.2018 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P2 TRUE ABSTRACT COPY OF THE APPROVED MINING PLAN OF THE PETITIONER ALONG WITH THE COVERING LETTER DATED 03.06.2015 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED 24.12.2014 IN WPC NO. 25211/2013 ON THE FILES OF THE HONBLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/0646/2014.
- EXHIBIT P4 TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 10.12.2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (a) TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 19.03.2015 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE RELEVANT PAGE OF THE DRAFT OF THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 2020.

APPENDIX OF WP (C) 11079/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1** TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO.43/2016 DATED 27.04.2016 WITH FILE NO.541/SEIAA/KL/3885/2014 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2** TRUE ABSTRACT COPY OF THE APPROVED MINING PLAN TO THE PETITIONER APPROVED BY ORDER DATED 06.03.2015 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P3** TRUE COPY OF THE JUDGMENT DATED 24.12.2014 IN WP(C)NO.25211/2013 ON THE FILES OF THE HON'BLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/0646/2014
- EXHIBIT P4** TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 10/12/2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (a) :** TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 19/03/2015 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P5:** TRUE COPY OF THE RELEVANT PAGE OF THE DRAFT OF THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 2020.

APPENDIX OF WP (C) 11106/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1** TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO. 83/2016 DTD 01-06-2016 WITH NO. 752/SEIAA/KL/301/2015 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2** TRUE COPY OF THE JUDGMENT DATED 24-12-2014 IN WP(C) NO. 25211/2013 ON THE FILES OF THE HON'BLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/0646/2014
- EXHIBIT P3** TRUE ABSTRACT COPY OF THE MINE CLOSURE PLAN DATED 5/10/2018 APPROVED BY THE 3RD RESPONDENT
- EXHIBIT P4** TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 10/12/2014 ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P4 (a)** TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 19/3/2015 ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P5** TRUE COPY OF THE ABSTRACT OF THE DRAFT OF THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 2020

APPENDIX OF WP (C) 11409/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO.40/2017 DATED 12.06.2017 WITH FILE NO.624/SE1AA/KL/4807/2014 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P2 TRUE ABSTRACT COPY OF THE APPROVED MINING PLAN OF THE PETITIONER ALONG WITH THE COVERING LETTER DATED 23.01.2019 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED 24.12.2014 IN WP(C)NO.25211/2013 ON THE FILES OF THE HON'BLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/0646/2014.
- EXHIBIT P4 TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 10.12.2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (a) TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 19.03.2015 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE RELEVANT PARA OF THE DRAFT OF THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 2020.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R7 (a) : A TRUE PHOTOCOPY OF THE RELEVANT PAGES OF THE 59TH MEETING OF THE SEAC, KERALA HELD ON 11/07/2016 TO 12/07/2016.
- EXHIBIT R7 (b) : A TRUE PHOTOCOPY OF THE RELEVANT PAGES OF THE 34TH MEETING OF THE SEIAA, KERALA HELD ON 31/10/2014.

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EXHIBIT R7 (c) : **A TRUE PHOTOCOPY OF THE REPORT DATED
12/06/2019 OF THE TAHSILDAR,
NEDUMANGAD TO THE RDO, NEDUMANGAD.**

APPENDIX OF WP (C) 11614/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE ENVIRONMENT CLEARANCE
CERTIFICATE NO.105/2017 DTD 29.12.2017
WITH FILE NO.873/SEIAA/ECI/3104/2015
ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2 TRUE ABSTRACT COPY OF THE APPROVED
MINING PLAN OF THE PETITIONER DATED
09.03.2015 ISSUED BY THE 3RD
RESPONDENT
- EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED
24.12.2014 IN WP(C) NO.25211/2013 ON
THE FILES OF THE HON'BLE HIGH COURT OF
ORISSA AS REPORTED IN
MANU/OR/0646/2014
- EXHIBIT P4 TRUE COPY OF AN ENVIRONMENTAL
CLEARANCE CERTIFICATE DATED 10/12/2014
ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P4 (a) TRUE COPY OF AN ENVIRONMENTAL
CLEARANCE CERTIFICATE DATED 19/3/2015
ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P5 TRUE COPY OF THE ABSTRACT OF THE DRAFT
OF THE ENVIRONMENTAL IMPACT ASSESSMENT
NOTIFICATION, 2020

APPENDIX OF WP (C) 11763/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE ENVIRONMENT CLEARANCE
CERTIFICATE NO.106/2017 DTD.
29/12/2017 WITH FILE
NO.872/SEIAA/EC1/3103/2015 ISSUED BY
THE 1ST RESPONDENT.
- EXHIBIT P2 TRUE ABSTRACT COPY OF THE APPROVED
MINING PLAN OF THE PETITIONER DATED
09/03/2015 ISSUED BY THE 3RD
RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED
24/12/2014 IN WP(C) NO.25211/2013 ON
THE FILES OF THE HON'BLE HIGH COURT OF
ORISSA AS REPORTED IN
MANU/OR/0646/2014.
- EXHIBIT P4 TRUE COPY OF AN ENVIRONMENTAL
CLEARANCE CERTIFICATE DATED 10.12.2014
ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (A) TRUE COPY OF AN ENVIRONMENTAL
CLEARANCE CERTIFICATE DATED 19.03.2015
ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE ABSTRACT OF THE DRAFT
OF THE ENVIRONMENTAL IMPACT ASSESSMENT
NOTIFICATION, 2020.

APPENDIX OF WP (C) 12391/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1** TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO 09/2016 DATED 3.2.2016 WITH FILE NO 646/EC4/4942/2014/SEIAA ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2** TRUE ABSTRACT COPY OF THE APPROVED MINING PLAN OF THE PETITIONER DATED 3.3.2016 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P3** TRUE COPY OF THE JUDGMENT DATED 24.12.2014 IN WPC NO 25211/2013 ON THE FILES OF THE HON'BLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/0646/2014
- EXHIBIT P4** TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 10.12.2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (A)** TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 19.03.2015 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P5** TRUE COPY OF THE ABSTRACT OF THE DRAFT OF THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 2020.

APPENDIX OF WP (C) 12420/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1** TRUE COPY OF THE ENVIRONMENTAL
CLEARANCE CERTIFICATE NO.58
DTD.10.08.2015 WITH FILE
NO.200/SEIAA/EC4/86/2014 ISSUED BY THE
1ST RESPONDENT
- EXHIBIT P2** TRUE COPY OF THE LETTER DATED
20.03.2015 ISSUED BY THE 3RD
RESPONDENT ALONG WITH THE ABSTRACT
COPY OF THE APPROVED MING PLAN OF THE
PETITIONER
- EXHIBIT P3** TRUE COPY OF THE JUDGMENT DATED
24.12.2014 IN WP(C) NO.25211/2013 ON
THE FILES OF THE HON'BLE HIGH COURT OF
ORISSA AS REPORTED IN
MANU/OR/0646/2014
- EXHIBIT P4** TRUE COPY OF AN ENVIRONMENTAL
CLEARANCE CERTIFICATE DATED 10/12/2014
ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (a) :** TRUE COPY OF AN ENVIRONMENTAL
CLEARANCE CERTIFICATE DATED 19/03/2015
ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P5 :** TRUE COPY OF THE ABSTRACT OF THE DRAFT
OF THE ENVIRONMENTAL IMPACT ASSESSMENT
NOTIFICATION, 2020.

APPENDIX OF WP (C) 12439/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE ENVIRONMENTAL
CLEARANCE CERTIFICATE NO.DTD
29.11.2014 WITH FILE
NO.222/SEIAA/KL/349/2014 ISSUED BY THE
1ST RESPONDENT
- EXHIBIT P2 TRUE ABSTRACT COPY OF THE APPROVED
MINING PLAN OF THE PETITIONER DATED
25.01.2016 ISSUED BY THE 3RD
RESPONDENT
- EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED
24.12.2014 IN WP(C) NO.25211/2013 ON
THE FILES OF THE HON'BLE HIGH COURT OF
ORISSA AS REPORTED IN
MANU/OR/0646/2014
- EXHIBIT P4 TRUE COPY OF AN ENVIRONMENTAL
CLEARANCE CERTIFICATE DATED 10.12.2014
ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P4 A TRUE COPY OF AN ENVIRONMENTAL
CLEARANCE CERTIFICATE DATED 19.3.2015
ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P5 TRUE COPY OF THE ABSTRACT OF THE DRAFT
OF THE ENVIRONMENTAL IMPACT ASSESSMENT
NOTIFICATION, 2020

APPENDIX OF WP (C) 13113/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF RELEVANT PAGES OF THE QUARRYING LEASE EXECUTED BETWEEN THE PETITIONER AND THE STATE DATED 1.4.2017.
- EXHIBIT P2 TRUE COPY OF RELEVANT PAGES OF THE MINUTES OF THE 39TH MEETING OF THE 2ND RESPONDENT, SEAC, HELD ON 14TH AND 15TH MAY, 2015.
- EXHIBIT P3 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 39TH MEETING OF SEIAA HELD ON 18.6.2015.
- EXHIBIT P4 TRUE COPY OF THE CERTIFICATE OF ENVIRONMENTAL CLEARANCE BEARING DATED 10.8.2015 ISSUED TO THE PETITIONER.
- EXHIBIT P5 TRUE COPY OF THE INDEX OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR ENVIRONMENTAL CLEARANCE DATED 12.5.2014.
- EXHIBIT P6 TRUE COPY OF RELEVANT PAGES OF THE CHECK LIST FOR MINING PROJECT WHICH FORM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DATED 12.5.2014.
- EXHIBIT P7 TRUE COPY OF RELEVANT PAGES OF FORM 1 APPLICATION SUBMITTED BY THE PETITIONER DATED 12.5.2014.
- EXHIBIT P8 TRUE COPY OF THE RELEVANT PAGES OF QUESTIONNAIRE FOR MINING PROJECT WHICH FORM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DATED 12.5.2014.
- EXHIBIT P9 TRUE COPY OF RELEVANT PAGES OF PRE-

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FEASIBILITY CUM ENVIRONMENT MANAGEMENT
PLAN WHICH FORM PART OF APPLICATION
FOR ENVIRONMENTAL CLEARANCE DATED
12.5.2014.

- EXHIBIT P10 TRUE COPY OF GEOLOGICAL PLAN, SURFACE
PLACE AND POST MINE CLOSURE PLAN WHICH
FORM PART OF APPLICATION FOR
ENVIRONMENTAL CLEARANCE.
- EXHIBIT P11 TRUE COPY OF THE RELEVANT PAGES OF THE
APPROVED MINING PLAN DATED 25.4.2015
SUBMITTED ALONG WITH THE APPLICATION
FOR ENVIRONMENTAL CLEARANCE.
- EXHIBIT P12 TRUE COPY OF REPLY DATED 23.6.2020
SUBMITTED BY THE PETITIONER.
- EXHIBIT P13 TRUE COPY OF CERTIFICATE DATED
2.3.2020 ISSUED BY THE SR.MANAGER,
FEDERAL BANK, MUKKOM BRANCH, SHOWING
DETAILS OF LOANS AVAILED BY THE
PETITIONER.
- EXHIBIT P14 TRUE COPY OF LETTER OF INTENT ISSUED
BY THE DIRECTOR, MINING & GEOLOGY
DIRECTORATE, DATED 24.4.2015.

APPENDIX OF WP (C) 15089/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1** TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO.72/2016 DT. 31/05/2016 WITH FILE NO.602/SEIAA/EC4/4629/2014 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P2** TRUE ABSTRACT COPY OF THE APPROVED MINING PLAN OF THE PETITIONER DATED 28/10/2015 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P2 (A)** TRUE COPY OF THE ORDER DATED 01/11/2016 WITH NO.470/2016-17/12907/M3/2015 ISSUED BY THE 6TH RESPONDENT.
- EXHIBIT P2 (B)** TRUE COPY OF THE QUARRYING LEASE DATED 18/11/2016 VALID TILL 17/11/2022 ISSUE TO THE PETITIONER.
- EXHIBIT P3** TRUE COPY OF THE JUDGMENT DATED 24/12/2014 IN WP(C) NO.25211/2013 ON THE FILES OF THE HON'BLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/0646/2014.

APPENDIX OF WP (C) 15507/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE APPLICATION FOR ENVIRONMENTAL CLEARANCE DATED 14.2.2015 WITHOUT ANY APPENDICES INCLUDING PLANS, DRAWINGS
- EXHIBIT P2 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 39TH MEETING OF THE 2ND RESPONDENT, SEAC, HELD ON 14TH AND 15TH MAY, 2015
- EXHIBIT P3 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 39TH MEETING OF SEIAA HELD ON 18.6.2015
- EXHIBIT P4 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE DATED 10.8.2015
- EXHIBIT P5 TRUE COPY OF THE QUARRYING PERMIT DATED 07.06.2016
- EXHIBIT P6 TRUE COPY OF THE PERMIT VALID UPTO 9.8.2020 DATED 13.7.2020
- EXHIBIT P7 TRUE COPY OF THE APPLICATION DATED 30.06.2020 WITHOUT ANNEXURES AND APPENDICES

APPENDIX OF WP (C) 18778/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO.38/2017 DATED 01.06.2017 WITH FILE NO.724/SEIAA/KL6074/2014 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P2 TRUE ABSTRACT COPY OF THE APPROVED MINING PLAN OF THE PETITIONER DATED 10.08.2015 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P2 (a) TRUE COPY OF THE QUARRYING LEASE DATED 03.05.2019 VALID TILL 02.05.2024 ISSUED TO THE PETITIONER.
- EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED 24.12.2014 IN WP(C) NO. 25211/2013 ON THE FILES OF THE HON'BLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/0646/2014.
- EXHIBIT P4 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 10.12.2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (a) TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 19.03.2015 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P5 TRUE ABSTRACT OF THE DRAFT OF THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 2020.

APPENDIX OF WP (C) 18929/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF RELEVANT PAGES OF THE QUARRYING LEASE EXECUTED BETWEEN THE PETITIONER AND THE STATE DATED 19.2.2018, VALID UPTO 18.2.2030.
- EXHIBIT P2 TRUE COPY OF THE CERTIFICATE OF ENVIRONMENTAL CLEARANCE BEARING DATED 23.9.2020 ISSUED TO THE PETITIONER, VALID UPTO 23.9.2022.
- EXHIBIT P3 TRUE COPY OF NOTIFICATION NO.S.O. 190 (E) DATED 20.1.2016.
- EXHIBIT P4 TRUE COPY OF THE INDEX OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR ENVIRONMENTAL CLERANCE DATED 27.3.2017.
- EXHIBIT P5 TRUE COPY OF THE RELEVANT PAGES OF THE CHECK LIST FOR MINING PROJECT WHICH FORM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DATED 27.3.2017.
- EXHIBIT P6 TRUE COPY OF RELEVANT PAGES OF FORM 1 APPLICATION SUBMITTED BY THE PETITIONER DATED 27.3.2017.
- EXHIBIT P7 TRUE COPY OF RELEVANT PAGES OF PRE-FEASIBILIITY CUM ENVIRONMENT MANAGEMENT PLAN WHICH FORM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DATED 27.3.2017.
- EXHIBIT P8 TRUE COPY OF GEOLOGICAL PLAN, SURFACE PLAN AND POST MINE CLOSURE PLAN WHICH FORM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DT. 27.3.2017.
- EXHIBIT P9 TRUE COPY OF THE RELEVANT PAGES OF THE

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QUARRYING PLAN SUBMITTED ALONG WITH
THE APPLICATION FOR ENVIRONMENTAL
CLEARANCE DT. 20.3.2014.

- EXHIBIT P10 TRUE COPY OF THE RELEVANT PAGES OF THE
MINUTES OF THE 4TH MEETING OF THE 2ND
RESPONDENT HELD ON 12.5.2017.
- EXHIBIT P11 TRUE COPY OF THE RELEVANT PAGES OF THE
MINUTES OF THE 5TH MEETING OF THE 2ND
RESPONDENT HELD ON 9.6.2017.
- EXHIBIT P12 TRUE TYPED COPY OF THE RELEVANT PAGES
OF THE MINUTES OF THE 1ST RESPONDENT
HELD ON 3.8.2017.
- EXHIBIT P13 TRUE COPY OF THE RELEVANT PAGES OF THE
MINUTES OF THE JOINT MEETING OF THE
4TH AND 5TH RESPONDENTS DATED
31.10.2014.

APPENDIX OF WP (C) 19032/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO.39/2016 DTD. 04.03.2016 WITH FILE NO.763/SEIAA/ECI/447/2015 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P2 TRUE ABSTRACT COPY OF THE APPROVED MINING PLAN OF THE PETITIONER ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P2 (A) TRUE COPY OF THE ORDER DATED 09.04.2018 WITH NO.20/2018-19/6475/M3/2017/DMG ISSUED BY THE 6TH RESPONDENT.
- EXHIBIT P2 (B) TRUE COPY OF THE QUARRYING LEASE DATED 18.04.2018 VALID TILL 17.04.2028 ISSUE TO THE PETITIONER.
- EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED 24.12.2014 IN WP(C) NO.25211/2013 ON THE FILES OF THE HON'BLE HIGH COURT OF ORISSA AS REPORTED IN MANU/OR/0646/2014
- EXHIBIT P4 TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 10.12.2014 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4 (A) TRUE COPY OF AN ENVIRONMENTAL CLEARANCE CERTIFICATE DATED 19.03.2015 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P5 TRUE ABSTRACT OF THE DRAFT OF THE ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION, 2020.

APPENDIX OF WP (C) 19039/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF RELEVANT PAGES OF THE QUARRYING LEASE EXECUTED BETWEEN THE PETITIONER AND THE STATE DATED 26.7.2017 VALID UP TO 25.7.2029.
- EXHIBIT P2 TRUE COPY OF THE CERTIFICATE OF ENVIRONMENTAL CLEARANCE BEARING DATED 17.6.2017 ISSUED TO THE PETITIONER VALID UP TO 16.6.2022.
- EXHIBIT P3 TRUE COPY OF NOTIFICATION NO. S.O. 190 (E) DATED 20.1.2016.
- EXHIBIT P4 TRUE COPY OF THE INDEX OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR ENVIRONMENTAL CLEARANCE DATED 03.12.2016.
- EXHIBIT P5 TRUE COPY OF THE RELEVANT PAGES OF THE CHECK LIST FOR MINING PROJECT WHICH FORM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DATED 03.12.2016.
- EXHIBIT P6 TRUE COPY OF RELEVANT PAGES OF FORM 1 APPLICATION SUBMITTED BY THE PETITIONER DATED 3.12.2016.
- EXHIBIT P7 TRUE COPY OF RELEVANT PAGES OF PRE FEASIBILITY CUM ENVIRONMENTAL MANAGEMENT PLAN WHICH FROM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DATED 03.12.2016.
- EXHIBIT P8 TRUE COPY OF THE GEOLOGICAL PLAN, SURFACE PLAN AND POT MINE CLOSURE PLAN WHICH FROM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DT. 03.12.2016.

- EXHIBIT P9 TRUE COPY OF THE RELEVANT PAGES OF THE QUARRYING PLAN SUBMITTED ALONG WITH THE APPLICATION FOR ENVIRONMENTAL CLEARANCE DT. 03.12.2016.
- EXHIBIT P10 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 2ND MEETING OF THE 2ND RESPONDENT HELD ON THE 1.2.2017.
- EXHIBIT P11 TRUE COPY OF THE RELEVANT PAGES OF THE 3RD MEETING OF THE 2ND RESPONDENT HELD ON 28.4.2017.
- EXHIBIT P12 TRUE COPY OF THE RELEVANT PAGES OF 1ST MEETING OF THE 1ST RESPONDENT, DATED 16.5.2017.
- EXHIBIT P13 TRUE COPY OF THE RELEVANT PAGE OF DECISION TAKEN BY THE 4TH AND 5TH RESPONDENTS IN THEIR JOINT MEETING HELD ON 31.10.2014.

APPENDIX OF WP (C) 19589/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF RELEVANT PAGES OF THE QUARRYING LEASE EXECUTED BETWEEN THE PETITIONER AND THE STATE DATED 27/9/2017, VALID UPTO 26/9/2029.
- EXHIBIT P2 TRUE COPY OF THE CERTIFICATE OF ENVIRONMENTAL CLEARANCE BEARING DATED 15/7/2017 ISSUED TO THE PETITIONER, VALID UPTO 15/7/2022.
- EXHIBIT P3 TRUE COPY OF NOTIFICATION NO.S.O.190 (E) , DATED 20/1/2016.
- EXHIBIT P4 TRUE COPY OF THE INDEX OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR ENVIRONMENTAL CLEARANCE DATED 1/12/2016.
- EXHIBIT P5 TRUE COPY OF RELEVANT PAGES OF FORM 1 APPLICATION SUBMITTED BY THE PETITIONER DATED 1/12/2016.
- EXHIBIT P6 TRUE COPY OF RELEVANT PAGES OF PRE-FEASIBILITY CUM ENVIRONMENT MANAGEMENT PLAN WHICH FORM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DATED 1/12/2016.
- EXHIBIT P7 TRUE COPY OF GEOLOGICAL PLAN, SURFACE PLAN AND POST MINE CLOSURE PLAN WHICH FORM PART OF APPLICATION FOR ENVIRONMENTAL CLEARANCE DT. 1/12/2016.
- EXHIBIT P8 TRUE COPY OF THE RELEVANT PAGES OF THE QUARRYING PLAN SUBMITTED ALONG WITH THE APPLICATION FOR ENVIRONMENTAL CLEARANCE DT. 1/12/2016.
- EXHIBIT P9 TRUE COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE 1ST MEETING OF THE 2ND

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RESPONDENT HELD ON 12/1/2017.

EXHIBIT P10 TRUE COPY OF THE RELEVANT PAGES OF THE
MINUTES OF THE 3RD MEETING OF THE 2ND
RESPONDENT HELD ON 28/4/2017.

EXHIBIT P11 TRUE COPY OF THE RELEVANT PAGES OF THE
MINUTES OF THE 1ST RESPONDENT HELD ON
23/5/2017.

EXHIBIT P12 TRUE COPY OF THE RELEVANT PAGES OF THE
MINUTES OF THE JOINT MEETING OF THE
4TH AND 5TH RESPONDENTS DATED
31/10/2014.

APPENDIX OF WP (C) 19629/2020**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 A TRUE COPY OF THE QUARRYING LEASE
DATED 14.07.2008.
- EXHIBIT P2 A TRUE COPY OF THE ENVIRONMENTAL
CLEARANCE DATED 10.08.2015.
- EXHIBIT P3 A TRUE COPY OF THE EIA NOTIFICATION,
2006 (RELEVANT PAGES ONLY).
- EXHIBIT P4 A TRUE COPY OF THE APPLICATION FOR
RENEWAL OF QUARRYING LEASE DATED
20.07.2018.
- EXHIBIT P5 A TRUE COPY OF THE ORDER DATED
14.09.2020 IN WP(C)NO.18794/2020.
- EXHIBIT P6 A TRUE COPY OF THE EIA NOTIFICATION,
1994 (RELEVANT PAGES ONLY).
- EXHIBIT P7 A TRUE COPY OF THE RECEIPT FOR RENEWAL
OF QUARRYING LEASE SUBMITTED ON
14.07.2020.

Judgment Comm on 9/12/20

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Presented on: 30.11.2020

Sub:- **Quarrying - validity of the EC restricted to 5 years without any reference to the project life estimated by the Appraisal Committee-seeking a direction to revalidate the EC in tune with the project life.**

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THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(C) NO. 2653 OF 2020

M/s Tasna Mines

- Petitioner

Vs.

The State Environment Impact Assessment Authority & others

- Respondents

~~Dismissed
JPBSK
1/12/20~~

WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

BECHU KURIAN & CO.

ENOCH DAVID SIMON JOEL (E 68) K/925/09
S SREEDEV (S 2272) K 1219/2006
RONY JOSE (R 1364) K/705/2012

COUNSEL FOR THE PETITIONER

BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM

W.P.(C) NO.

OF 2020

M/s Tasna Mines

- Petitioner

Vs.

The State Environment Impact Assessment
Authority & others

- Respondents

I N D E X

Sl. No.	Particulars	Pages
1.	Synopsis	1 - 2
2.	Writ Petition	3 - 8
3.	Affidavit	9
4.	<u>Exhibit P1:</u> True copy of the Environmental Clearance Certificate No. 51/2019 dtd. 14.10.2019 with File No. 1201/SEIAA/KL/2016 issued by the 1 st Respondent.	10-18

Dated this the 27th day of November 2020.

Counsel for the Petitioner

BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM

W.P.(C) NO.

OF 2020

M/s Tasna Mines

- Petitioner

Vs.

The State Environment Impact Assessment
Authority & others

- Respondents

SYNOPSIS

Petitioner was granted Ext.P1 EC on 14.10.2019 with a validity of 5 years.

While granting the EC, the validity of an EC was noted as 5 years, without any reference to the project life as estimated by the 2nd Respondent. 1st Respondent failed to note that Paragraph 9(i) of the Environmental Impact Assessment Notification, 2006 clearly provides that the validity of an EC for a mining project shall be the project life estimated by the Appraisal Committee.

In spite of estimating the life of the mine as 19 years, the validity of the EC has been limited to 5 years in Ext.P1. The same is illegal and without authority as has been held by this Hon'ble Court in 2020 (6) KLT 302.

Hence this writ petition seeking a direction to the 1st Respondent to revalidate Ext.P1 by re-fixing the validity of the EC in terms of the project life estimated by the 2nd Respondent.

Dates & Events

14.10.2019 : Ext.P1 EC granted to the Petitioner with validity as 5 years.

02.11.2020 : judgment in 2020 (6) KLT 302.

Points to be urged.

- The validity of an Environment Clearance Certificate is governed by Paragraph 9 of the EIA Notification 2006.
- Once the life of the mine is estimated by the Appraisal Committee, the validity of the EC must be the life of the mine.

Acts and Rules.

- Kerala Minor Mineral Concession Rules, 2015.
- Environmental Impact Assessment Notification, 2006

Authorities Cited.

- 2020 (6) KLT 302.

Dated this the 27th day of November 2020.

Counsel for the Petitioner

BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM

W.P. (C). NO.

OF 2020

M/s Tasna Mines,
Kottakal, Pattom P.O,
Thiruvananthapuram-695004.
Represented by its Managing Partner
Shri. Arun Varghese.

- Petitioner

Vs.

1. The State Environment Impact Assessment Authority,
K.S.R.T.C Bus Terminal Complex,
4thFloor, Thampanoor,
Thiruvananthapuram - 695 001.
Represented by its Member Secretary.
2. The State Level Expert Appraisal Committee, - Respondents
K.S.R.T.C Bus Terminal Complex,
4thFloor, Thampanoor,
Thiruvananthapuram - 695 001.
Represented by its Chairman.
3. The Director of Mining and Geology,
Directorate of Mining and Geology,
Kesavadasapuram, Pattom Palace P.O.,
Thiruvananthapuram -695004.

(All processes to the Petitioner may be served on their counsel Sri. Enoch David Simon Joel, S. Sreedev & Rony Jose, Advocates, Bechu Kurian & Co, Floor- D, Lipids House, Plot No: G-285, Main Avenue, Panampilly Nagar, Cochin-36)

(All processes to the respondents may be served on their above-mentioned addresses)

MEMORANDUM OF WRIT PETITION (CIVIL) FILED UNDER
ARTICLE 226 OF THE CONSTITUTION OF INDIA

1. Through this writ petition, Petitioner seeks for a direction to the 1st Respondent to revalidate the validity of the Environmental Clearance (EC) issued to the Petitioner in terms of the project life estimated by the 2nd Respondent in

accordance with the Environmental Impact Assessment (EIA) Notification, 2006.

2. Petitioner has been conducting a quarry with all the valid licenses and permits in various Sy.Nos. in Mancode Village in Kollam District. The licenses and permits are not being produced as they are not relevant for the present case. The same can be produced as and when required by this Hon'ble Court.
3. Petitioner was also granted an Environmental Clearance Certificate by the 1st Respondent for undertaking quarrying operations. True copy of the Environmental Clearance Certificate No. 51/2019 dtd. 14.10.2019 with File No. 1201/SEIAA/KL/2016 issued by the 1st Respondent is produced and marked as **Exhibit P1**.
4. While granting Ext.P1 EC, the Authority confined the validity of the EC as 5 years without any reference to the project life of the mine as estimated by the 2nd Respondent Appraisal Committee. Paragraph 9 of the Environmental Impact Assessment (EIA) Notification, 2006 in unequivocal terms stipulate that the prior environmental clearance granted for a project shall be the project life as estimated by the Authority subject to a maximum of 30 years for mining projects. For the purpose of reference, paragraph 9 of the EIA Notification, 2006 is extracted as below:

"9. Validity of Environmental Clearance (EC):

(i) The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the

*project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. **The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and seven years in the case of all other projects and activities.***

(ii) xxxxx.

(iii) xxxxx."

5. Paragraph 9 of the notification clearly provides that the validity of an EC for a mining project shall be the project life estimated by the Authority. Once the Appraisal Committee estimates the life of the mine, it statutorily follows that the validity of the EC granted shall be the project life, however subject to a maximum of 30 years.
6. However, in Ext.P1 EC, the validity of the EC has been arbitrarily confined as 5 years without any reference to the project life estimated by the 2nd Respondent. The same is without authority as the EIA Notification makes it mandatory by the use of the word "**shall**" that the validity of the EC cannot be further condensed by the Authority after having proposed a longer project life.
7. This Hon'ble Court by judgment dated 02.11.2020 in *Mathew Abraham v. SEIAA* reported in 2020 (6) KLT 302 had held that limiting the validity of the EC as 5 years when the

project life of the mine is for a longer period is wholly arbitrary and not in consonance with the directions contained in the EIA Notification 2006. Accordingly this Hon'ble Court had directed the SEAC to estimate the project life and thereafter the SEIAA was directed to revalidate the environmental clearance granted in accordance with the project life so estimated by the SEAC.

8. In tune with the law laid down by this Hon'ble Court in 2020 (6) KLT 302, the 1st Respondent is liable to revalidate the EC by fixing the validity of the EC for the life of the mine estimated by the 2nd Respondent.
9. Seeking a direction to the 1st Respondent to revalidate the validity of Ext.P1 EC in terms of the project life estimated by the 2nd Respondent, and having no other alternative or efficacious remedy, Petitioner prefers this Memorandum of Writ Petition under Article 226 of the Constitution of India on the following among other;

GROUNDS

- A. The validity of an Environmental Clearance Certificate is governed by the provisions of the Environment Impact Assessment Notification, 2006. Paragraph 9 of the notification clearly provides that the validity of an EC for a mining project shall be the project life estimated by the Appraisal Committee.
- B. Once the 2nd Respondent estimates the life of the mine, it statutorily follows that the validity of the EC granted shall be the project life, however subject to a maximum of 30 years. However, in Ext.P1 EC, the validity of the EC has been confined as 5 years without any reference to the project life. The same is without authority as the EIA Notification makes it mandatory by the use of the word "**shall**" that the validity

of the EC cannot be further condensed by the authority after having proposed a longer project life.

- C. This Hon'ble Court by judgment in 2020 (6) KLT 302, held that the limiting the validity of the EC as 5 years when the project life of the mine is for a longer period is wholly arbitrary and not in consonance with the directions contained in the EIA Notification 2006. Accordingly this Hon'ble Court had directed the SEAC to estimate the project life and thereafter the SEIAA was directed to revalidate the environmental clearance granted in accordance with the project life so estimated by the SEAC.
- D. In the light of the judgment of this Hon'ble Court in 2020 (6) KLT 302, the 1st Respondent is liable to revalidate the EC by fixing the validity in tune with the project life estimated by the 2nd Respondent.

Hence, it is humbly prayed that this Hon'ble Court may be pleased to pass an order allowing the following;

RELIEFS

- i. Issue a writ of mandamus or other appropriate writ order or direction directing the 1st Respondent to revalidate the validity of Ext.P1 EC in terms of the project life as estimated by the 2nd Respondent, as expeditiously as possible, at any rate, within a period of 2 months.
- ii. Issue such other appropriate writ order or direction that may be deemed to be just and equitable in the facts and circumstances of the case.

For which favour the Petitioner as in duty bound shall ever pray.

INTERIM RELIEF:

For the reasons stated in the writ petition and affidavit thereto, it is humbly prayed that this Hon'ble Court may be pleased to direct the 1st Respondent to revalidate the validity of Ext.P1 EC in terms of the project life as estimated by the 2nd Respondent, as expeditiously as possible, at any rate, within a period of 2 months, pending disposal of the writ petition.

Dated this the 27th day of November 2020.

Petitioner

Counsel for the Petitioner

BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM

W.P.(C) NO.

OF 2020

M/s Tasna Mines

- Petitioner

Vs.

The State Environment Impact Assessment
Authority & others

- Respondents

AFFIDAVIT

I, Arun Varghese, S/o. Varghese Joseph, aged 36, residing at TC 2/3497, Kottackal, Pattom P.O., Thiruvananthapuram-695004, do take oath and solemnly affirm and state as follows;

1. I am the Managing Partner of Petitioner in the above Writ Petition and I am aware of the facts of the case and am competent to swear to this affidavit.
2. All facts stated above are true and correct and Exhibits produced are true copies of the originals. I have not filed earlier petition seeking similar and identical reliefs in respect of the same subject matter.
3. The reliefs prayed for may be allowed.

All facts stated above are true and correct.

Dated this the 27th day of November 2020.

Deponent

Solemnly affirmed and signed before me by the literate deponent who is personally known to me on this the 27th day of November 2020 at my office at Ernakulam

Enoch David Simon Joel
Advocate



सत्यमेव जयते

Validity expires on 13.10.2024

**PROCEEDINGS OF THE ADMINISTRATOR, STATE
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
THIRUVANANTHAPURAM**
(Present. SABITHA S)

Sub: SEIAA- Environmental Clearance for the proposed Granite Building Stone Quarry in Re.Survey No. 76/8,77/1,77/2,78/6,97/1,97/2 in Mancode Village, Kottarakkara Taluk, Kollam District, Kerala by Mr. Arun Vargheese, Managing Partner, M/s Tasna Mines, Kottakkal, Pattom P.O, Thiruvananthapuram - Granted - Orders issued.

State Environment Impact Assessment Authority, Kerala

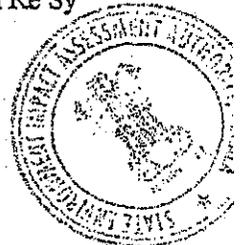
No. 1201/ SEIAA/KL/2014

dated, Thiruvananthapuram 14.10.2019

- Ref: 1. Application received on 29.12.2018 from Sri.Arun Vargheese, Managing Partner, M/s Tasna Mines, Kottakkal, Pattom P.O, Thiruvananthapuram
2. Minutes of the 90th SEAC meeting held on 4th January 2019
3. Minutes of the 93rd SEAC meeting held on 21st February 2019.
4. Minutes of the 94th SEAC meeting held on 12th and 13th March 2019.
5. Minutes of the 96th SEAC meeting held on 26th and 27th April 2019.
6. Minutes of the 97th SEAC meeting held on 21st and 22nd May 2019.
7. Minutes of 99th SEAC meeting held on 26th and 27th June 2019
8. Minutes of 95th SEIAA meeting held on 29th July 2019
9. Letter No.L.12-138194/19 dated nil from District Collector, Kollam
10. Minutes of 97th SEIAA meeting held on 24th September 2019
11. G.O(Rt.) No.29/2019/Eavt dt.12.04.2019

ENVIRONMENTAL CLEARANCE NO. 51/2019

Mr Arun Vargheese, Managing Partner, M/s Tasna Mines, Kottakkal, Pattom P.O, Thiruvananthapuram, vide the hardcopy of application received on 29.12.2018, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Re Sy



No.s 76/8,77/1,77/2,78/6,97/1,97/2 in Mancode Village, Kottarakkara Taluk, Kollam District, Kerala for an area of 4.5592 Ha. The project comes under Category: B & Schedule: 1 (a) of EIA Notification 2006.

2. The proposed project site falls within Latitude 8°47'39.47" N to 8°47'38.91" N to Longitude 76°58'46.59" E to 76° 58'47'51" E. The lease area consists of 4.5592 hectares, which is non-forest, Govt. land. The proposed project is for quarrying of 3,00,000 MTA for first 3 year & 1,70,000MT for next 7 year. The nearest town is Mancode about 0.380 km, from the quarry site. The total water requirement for the proposed project has been estimated to be around 10 KLD. About 2 KLD is required for domestic consumption, 6 KLD is required for dust suppression and 2 KLD is required for green belt development. The required water will be met from bore well & open well. Electric power required for office is about 2Kw/day which is drawn from KSEB total project cost is Rs.90 Lakhs..

3. The proposal was placed in the 90th SEAC Meeting held on 04th January 2019. The minutes of 90th SEAC Meeting are as follows: A complaint from Shri.Dhiernlal.K, Attingal forwarding the Judgment in WP(C) No.36065/2018 filed by himself with Sri.Arun Varghese, Managing Partner, Tāsna Mines as 5th respondent, has been received by the Committee. The Judgment pertains to the ownership of property where the proposed mining is to be carried out and with a direction to the District Collector, Kollam to settle the dispute. In view of the Judgment, the proposal was deferred.

4. The proposal was placed in the 93rd SEAC Meeting held on 21st February 2019. It was deferred for the next meeting.

5. The proposal was placed in the 94th SEAC Meeting held on 12th & 13th of March 2019. The Committee entrusted Dr.G.Sankar & Dr.R Ajayakumar Varma for the site inspection. The Subcommittee visited the site on 25th March 2019.

6. The proposal was placed in 96th SEAC meeting held on 26th & 27th April 2019. The Committee decided to obtain the following additional details from the proponent:

1. A proper garland canal should be included in the mining plan. the proponent should submit a modified drainage plan including garland canal with proper silt trap.
2. A recent cluster certificate from the District Geologist, Kollam



3. Statement indicating the amount of CER proposed to be earmarked annually as per the guidelines
4. Feasibility report as to how water storage will be achieved for meeting the water requirement to the tune of 10,000 KLD
5. Hydrogeological report indicating the feasibility for open dug well or tube well, if there is no existing drinking water source
6. Detailed biodiversity conservation plan based on the biodiversity assessment report

7. The proposal was placed in the 97th SEAC meeting held on 21st & 22nd May, 2019.

The Committee decided to obtain the following details / clarification from the proponent:

1. In the modified drainage plan submitted, garland canal is not shown. Only flow lines are indicated. Location of the sediment traps are also not indicated.
2. Feasibility report as to how water storage will be achieved for meeting the water requirement to the tune of 1000 KLD is not satisfactory.
3. Hydrological report indicating the feasibility for open dug well or tube well is not given.

8. The proposal was placed in 99th SEAC meeting held on 26th and 27th June 2019. The Committee considered the report of the sub-committee and decided to recommend the issuance of EC initially for 3 years to mine 899740 MT of building stone (i.e. about 43% of the proposed mineable reserve) with the following specific conditions:

1. Widen the approach road to at least 7 m
2. Designate two labourers for periodic cleaning of silt trap and garland canal
3. Construct protection walls for the OB dumping site and check spill over, if any
4. An automatic rain gauge may be installed in the project area for recording daily rainfall and the daily rainfall record should be produced during periodical monitoring and submit the data for extension of EC after 3 years, if proposed.

9. The proposal was placed in 95th SEIAA Meeting held on 29th July 2019. SEIAA noticed that a written complaint has been received in the Office of SEIAA on 25.07.2019 from Sri.Yusuf Kunju, S/o.Asanaarukunju alleging that the proponent has suppressed certain material facts having bearing on the implementation of the project. Hence Authority decided to forward the complaint to District Collector, Kollam for field verification and report, before issuing EC. The District Collector submitted the report on 06/09/2019 as per his letter 9th read above, stating that the petitioner had withdrawn the complaint



10. The proposal was placed in 97th SEIAA Meeting held on 24th September 2019. Authority decided to issue EC for a period of 5 years, for the quantity as approved by the Mining Plan subject to the following specific conditions in addition to the general conditions.

- *The approach road is narrow and needs widening to at least 7 m*
- *Designate 2 labour for periodic cleaning of silt trap and garland canal*
- *Construction of protection walls for the OB dumping site to check spill over*
- *Activities relating to Corporate Environmental Responsibilities (2% of total project cost) shall be carried out leading to protection and promotion of environment in the project region as per OM F.No.22-65/2017-LA-III dt.01.05.2018 of MoEF & CC in consultation with the District Collector.*
- *The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*
- *Activities relating progressive and final closure of quarry shall be carried out as per approved Mining Plan which will be reviewed at regular intervals. The non compliance of the same may lead to cancellation of Environmental Clearance.*
- *In the wake of occurrence of large scale landslides in the state, as per the information provided by the Department of Mining & Geology, it is directed to use only **NONEL (Non Electrical)** technology for blasting to reduce the vibration of the ground, which is one of the causative factors that triggers landslides, formation of cracks in the surrounding buildings and disturbance to human and wildlife.*

11. Environmental Clearance as per the EIA Notification 2006 is hereby accorded for the quarry project of Mr Arun Vargheese, Managing Partner, M/s Tasna Mines, Kottakkal, Pattom P.O, Thiruvananthapuram in Re.Survey No. 76/8,77/1,77/2,78/6,97/1,97/2 in Mancode Village, Kottarakkara Taluk, Kollam District, Kerala for an area of 4.5592 Ha, for a period of five years subject to the specific conditions in para 10 above, all the environmental impact mitigation and management measures undertaken by the project proponent in the Form I, EMP, PFR and Mining plan submitted to SEIAA. The assurances and clarifications given by the proponent will be deemed to be a part of these proceedings as if incorporated herein. Also the general conditions for projects stipulated for mining (items 1 to 48), appended hereto will be applicable and have to be strictly adhered to.



12. The Clearance issued will also be subject to full and effective implementation of all the undertakings given in the application form, mitigation measures as assured in the Environment Management Plan and the mining features including progressive mine closure plan as submitted with the application and relied on for grant of this clearance. The above undertakings and the conditions and the undertakings in Chapter 4 (Mining), Chapter 5 (Blasting), Chapter 6 (Mines Drainage), Chapter 7 (Stacking of Mineral rejects and Disposal of waste) Chapter 11 (Environment Management Plan) & Part C (Progressive Mine Closure Plan) of the Mining Plan as submitted will be deemed to be part of this proceedings as conditions as undertaken by the proponent, as if incorporated herein.

13. Validity of the Environmental Clearance will be five years from the date of this clearance, subject to inspection by SEIAA on annual basis and compliance of the conditions, subject to earlier review of E.C in case of violation or non-compliance of conditions or genuine complaints from residents within the security area of the quarry.

14. Compliance of the conditions herein will be monitored by the State Environment Impact Assessment Authority or its authorised offices and also by the regional office of the Ministry of Environment & Forests, Govt. of India, Bangalore.

- i. Necessary assistance for entry and inspection should be provided by the project proponent and those who are engaged or entrusted by him to the staff for inspection or monitoring.
- ii. Instances of violation if any shall be reported to the District Collector, Kollam
- iii. The given address for correspondence with the authorised signatory of the project is Mr. Arun Vargheese, Managing Partner, M/s Tasna Mines, Kottakkal, Pattom P.O, Thiruvananthapuram (Kerala).



SABITHA S
Administrator, SEIAA

To,

Mr Arun Vargheese,
Managing Partner M/s Tesna Mines,
Kootakkal
Pattom P.O,
Thiruvananthapuram (Kerala)



Copy to,

1. MoEF Regional Office, Southern Zone, Kendriya Sadan, 4th Floor, E&F Wing, II Block, Koramangala, Bangalore-560034.
2. The Principal Secretary to Government, Environment Department, Government of Kerala.
3. District Collector, Kollam
4. Director, Mining & Geology, Thiruvananthapuram -4.
5. The Member Secretary, Kerala State Pollution Control Board
6. District Geologist, Kollam
7. Tahsildhar, Kottarakkara Taluk, Kollam
8. Village Officer, Mancode Village, Kollam.
9. Chairman, SEIAA.
10. Website.
11. S/f
12. O/c

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY KERALA
GENERAL CONDITIONS (for mining projects)

1. A separate environmental management and monitoring cell with qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
2. Suitable avenue trees should be planted along either side of the tarred road and open parking areas, if any, including of approach road and internal roads.
3. Sprinklers shall be installed and used in the project site to contain dust emissions.
4. Eco-restoration including the mine closure plan shall be done at the own cost of the project proponent.
5. In view of the deep pits left after the excavation, stacking at maximum top level should be carried out.
6. Corporate Environment Responsibility agreed upon by the proponent should be implemented.
7. The project proponent shall comply the conditions stipulated by the statutory authorities concerned.
8. Tarring /multiple options on the access roads shall be undertaken so as to reduce dust pollution during movement of vehicle.
9. Overburden materials should be managed within the site and used for reclamation of mine pit as per mine closure plan / specific conditions.
10. Height of benches should not exceed 5 m, and width should not be less than 5 m, if there is no mention in the mining plan/specific condition.
11. Ground level should be fixed in individual cases separately
12. No mining operations should be carried out at places having a slope greater than 45°.
13. Acoustic enclosures should have been provided to reduce sound amplifications in addition to the provisions of green belt and hollow brick envelop for crushers so that the noise level is kept within prescribed standards given by CPCB/KSPCB. This condition is applicable only in such cases if a crusher is adjacent to the quarry.
14. The workers on the site should be provided with the required protective equipment such as ear muffs, helmet, etc.
15. Garland drains with clarifiers to be provided in the lower slopes around the core area to channelize storm water.
16. The transportation of minerals should be done in covered trucks to contain dust emissions. The proponent should plant trees at least 5 times of the loss that has been occurred while clearing the land for the project. SEAC should assess the number of trees in each project site before the issuance of EC so as to ensure the promptness in planting.
17. Explosives should be stored in magazines in isolated place specified and approved by the Explosives Department.
18. A minimum buffer distance of 100m from the boundary of the quarry to the nearest dwelling unit or other structures, not being any facility for mining shall be provided.
19. 50 m buffer distance should be maintained from forest boundaries.
20. Consent from Kerala State Pollution Control Board under Water and Air Act(s) should be obtained before initiating mining activity.
21. All other statutory clearances should be obtained, as applicable, by project proponents from the respective competent authorities including that for blasting and storage of explosives.
22. In the case of any change(s) in the scope of the project, extent quantity, process of mining technology involved or in any way affecting the environmental parameters/impacts as assessed, based on which only the E.C is issued, the project would require a fresh appraisal by this Authority, for which the proponent shall apply and get the approval of this Authority.
23. The Authority reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.
24. The stipulations by Statutory Authorities under different Acts and Notifications should be complied with, including the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.

25. The project proponent should advertise in at least two local newspapers widely circulated in the region, one of which (both the advertisement and the newspaper) shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Environment Impact Assessment Authority (SEIAA) office and may also be seen on the website of the Authority at www.seiaakerala.org. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same signed in all pages should be forwarded to the office of this Authority as confirmation.
26. The Environmental Clearance shall be put on the website of the company by the proponent.
27. Proponent shall submit half yearly reports in soft copy and SEIAA will upload it on the website.
28. The details of Environmental Clearance should be prominently displayed in a metallic board of 3 ft x 3 ft with green background and yellow letters of Times New Roman font of size of not less than 40. Sign board with extent of lease area and boundaries shall be depicted at the entrance of the quarry, visible to the public
29. The proponent should provide notarized affidavit (indicating the number and date of Environmental Clearance proceedings) that all the conditions stipulated in the EC shall be scrupulously followed.
30. No change in mining technology and scope of working should be made without prior approval of the SEIAA, No further expansion or modifications in the mine shall be carried out without prior approval of the SEIAA, as applicable.
31. The Project proponent shall ensure that no natural water course and/or water resources shall be obstructed due to any mining operations. Necessary safeguard measures to protect the first order streams, if any, originating from the mine lease shall be taken.
32. The top soil, if any, shall temporarily be stored at earmarked site(s) only for the topsoil shall be used for land reclamation and plantation. The over burden (OB) generated during the mining operations shall be stacked at earmarked dump site(s) only. The maximum height of the dumps shall not exceed 8m and width 20m and overall slope of the dumps shall be maintained to 45°. The OB dumps should be scientifically vegetated with suitable native species to prevent erosion and surface run off. In critical areas, use of geo textiles shall be undertaken for stabilization of the dump. The entire excavated area shall be backfilled. Monitoring and management of rehabilitated areas should continue until the vegetation becomes self-sustaining.
33. Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, mineral and OB dumps to prevent run off of water and flow of sediments directly into the river and other water bodies. The water so collected should be utilized for watering the mine area, roads, green belt development etc. The drains shall be regularly desilted particularly after monsoon and maintained properly.
34. Effective safeguard measures such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of PM₁₀ and PM_{2.5} such as haul Road, loading and unloading points and transfer points -- it shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
35. Fugitive dust emissions from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
36. Measures should be taken for control of noise levels below 85 dBA in the work environment.
37. The funds earmarked for environmental protection measures and CER activate should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the State Environment Impact Assessment Authority (SEIAA) office.
38. The Regional Office of MOEF & CC located at Bangalore shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (S) of the Regional Office by furnishing the requisite data/information/monitoring reports.
39. Any appeal against this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
40. Concealing the factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
41. The SEIAA may revoke or suspend the order, for non implementation of any of the specific or this implementation of any of the above conditions is not satisfactory. The SEIAA reserves the right to alter/modify the above conditions or stipulate any further condition in the interest of environment protection.



42. The above conditions shall prevail notwithstanding anything to the contrary, in consistent, or simplified, contained in any other permit, license or consent given by any other authority for the same project.
43. The Environmental Clearance will be subject to the final order of the courts in any pending litigation related to the land or project, in any court of law.
44. The mining operation shall be restricted to above ground water table and it should not intersect ground water table.
45. All vehicles used for transportation and within the mines shall have 'PUC' certificate from authorized pollution taking centre. Washing of all vehicles shall be inside the lease area.
46. Project proponent should obtain necessary prior permission of the competent authorities for drawal of requisite quantity of surface water and ground water for the project.
47. Regular monitoring of flow rates and water quality upstream and downstream of the springs and perennial nallahs flowing in and around the mine lease area shall be carried out and reported in the six monthly reports to SEIAA.
48. Occupational health surveillance program of the workers should be under taken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.



Administrator, SEIAA



This is the true copy of the document marked as Ext. P1

Advocate

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 01ST DAY OF DECEMBER 2020 / 10TH AGRAHAYANA, 1942

WP(C).No.26496 OF 2020(J)

PETITIONER:

K.T.HARIDAS
KARUTHEDATH HOUSE, PALAPPURAM,
OTTAPALAM, PALAKKAD-679103.

BY ADVS.
SRI.ENOCH DAVID SIMON JOEL
SRI.S.SREEDEV
SRI.RONY JOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
K.S.R.T.C BUS TERMINAL COMPLEX,
4TH FLOOR, THAMPANOR,
THIRUVANANTHAPURAM-695001,
REPRESENTED BY ITS MEMBER SECRETARY.
- 2 THE STATE LEVEL EXPERT APPRAISAL COMMITTEE,
K.S.R.T.C BUS TERMINAL COMPLEX,
4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM-695001,
REPRESENTED BY ITS CHAIRMAN.
- 3 THE DIRECTOR OF MINING AND GEOLOGY,
DIRECTORATE OF MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM PALACE.P.O,
THIRUVANANTHAPURAM-695004.

SRI.PAUL ABRAHAM VAKKANAL - GP
SRI.M.P.SREEKRISHNAN - SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.12.2020, ALONG WITH WP(C).26513/2020(L), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).Nos.26496 & 26513 OF 2020

2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 01ST DAY OF DECEMBER 2020 / 10TH AGRAHAYANA, 1942

WP(C).No.26513 OF 2020(L)

PETITIONER:

M/S.TASNA MINES
KOTTAKAL, PATTOM P.O., THIRUVANANTHAPURAM-695 004,
REPRESENTED BY ITS MANAGING PARTNER,
SHRI. ARUN VARGHESE.

BY ADVS.
SRI.ENOCH DAVID SIMON JOEL
SRI.S.SREEDEV
SRI.RONY JOSE

RESPONDENTS:

- 1 THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR,
THAMPANOR, THIRUVANANTHAPURAM-695 001
REPRESENTED BY ITS MEMBER SECRETARY
- 2 THE STATE LEVEL EXPERT APPRAISAL COMMITTEE
K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR,
THAMPANOR, THIRUVANANTHAPURAM-695 001
REPRESENTED BY ITS CHAIRMAN.
- 3 THE DIRECTOR OF MINING AND GEOLOGY
DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM,
PATTO PALACE P.O., THIRUVANANTHAPURAM-695 004.

SRI. M.P SREE KRISHNAN , SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01.12.2020, ALONG WITH WP(C).26496/2020(J), THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) Nos.26496 & 26513 of 2020
-----**J U D G M E N T**

The issues raised in these writ petitions are covered by the judgment of this court in W.P.(C) No.18929 of 2020 and connected cases.

In the circumstances, these writ petitions are disposed of granting to the petitioners the same relief as granted to the petitioners in W.P.(C) No.18929 of 2020 and connected cases, subject to the modification that the directions aforesaid shall be complied with, within six months from today.

**Sd/-
P.B.SURESH KUMAR
JUDGE**

WP(C) .Nos.26496 & 26513 OF 2020

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APPENDIX OF WP (C) 26496/2020

PETITIONER'S EXHIBITS:

EXHIBIT P1

**TRUE COPY OF THE ENVIRONMENTAL CLEARANCE
CERTIFICATE NO.DIA/KL/PL/32/2017
DTD.05.03.2018 ISSUED BY THE DISTRICT
ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY (DEIAA) , PALAKKAD .**

WP(C) .Nos.26496 & 26513 OF 2020

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APPENDIX OF WP (C) 26513/2020

PETITIONER'S EXHIBITS:

EXHIBIT P1

TRUE COPY OF THE ENVIRONMENTAL CLEARANCE
CERTIFICATE NO.51/2019 DATED 14.10.2019
WITH FILE NO.1201/SEIAA/KL/2016 ISSUED BY
THE 1ST RESPONDENT.

MINUTES OF THE 118th MEETING OF SEAC KERALA HELD DURING 1st, 2nd & 3rd FEBRUARY, 2021 AT THE CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM

120.23 Judgment in WP (C)26513 of 2020, M/s Tasna Mines, Kottakad, Pattom, Thiruvananthapuram -1201/SEIAA/KL/2016

Decision: The proponent and consultant were present. The consultant made the presentation. The Committee decided to direct the proponent to submit the following additional documents: a. Latest Compliance Report b. Letter from Mining and Geology Dept. regarding the quantity of mined Minerals. c. Special Conditions in the EC issued d. Certificate from Regional Office, MoEF&CC, Bangalore e. Scheme of Mining

Sd/-

**D. Balamurali, IAS
Secretary**

Sd/-

**Dr.C.Bhaskaran
Chairman**

MINUTES OF THE 120th MEETING OF SEAC KERALA HELD DURING 24-26, MARCH, 2021 AT THE CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM

Item No. 120.23 Judgment in WP (C) 26513/2020 filed by M/S TasnaMines(File No. 1201/SEIAA/KL/2016)

Decision: The Committee discussed the matter and decided to inform SEIAA that the proposal of M/S Tasna mines is under processing and since NGT criteria on the distance norms is not satisfactory in the proposal, EC has not been recommended so far.

Sd/-

Dr.C.Bhaskaran

Chairman, SEAC

MINUTES OF THE 113th MEETING OF THE STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA, HELD ON 19th & 20th April 2022 THROUGH VIDEO CONFERENCING.

Item No.113.27 Environmental clearance for the proposed Building stone quarry project in, Re Survey No.76/8,77/1,77/2,78/6,97/1,97/2 at Mancode Village, Kottarakkara Taluk, Kollam District, Kerala by Mr. Arun Varghese, Managing Partner, M/s Tesna Mines (File.No.1201/EC2/ 2018/ SEIAA)

Authority noted that this is a case for revalidation of EC and a case is pending before Hble NGT. There is no recommendation from SEAC for revalidation of EC as the Project Proponent did not submit relevant documents. Authority decided to wait for the outcome of case in NGT and the recommendation of SEAC for revalidation of EC. In the meantime the position of case in NGT shall be followed up.

Further, the Authority noted that a letter No.PE-06/2021KLM dated 30.10.2021 has been received from the Vigilance and Anti-Corruption Bureau, requesting for a certified copy of the file related to the EC issued to Tasna Mines, regarding the bribery to District Geologist and others. The Authority observed that the validity of the EC issued to the Proponent will expire on 13.10.2024 and the revalidation process is in progress as per the Judgment in WP(C) No.26513/2020 dated.01.12.2020. The Authority decided to handover a certified copy of the file related to the EC issued to Tasna Mines as per the request from the Vigilance and AntiCorruption Bureau.

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

Sd/-
Dr.V.Venu IAS
Member Secretary, SEIAA

Sd/-
Sri.K.KrishnaPanicker
Member, SEIAA