

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,  
CHENNAI  
ORIGINAL APPLICATION No. 26 OF 2023 (SZ)**

**IN THE MATTER OF:**

Muhammed.O, Malappuram.

...Applicant

v.

Morayoor Granites Pvt. Ltd, Rep. by its Director, Ernakulam and ors.

...Respondents

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Dated at Chennai on this 13<sup>th</sup> day of April, 2023

*Vidyalakshmi Vipin*

**COUNSEL FOR 6<sup>TH</sup> RESPONDENT**

**VIDYALAKSHMI VIPIN**

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**REPLY FILED ON BEHALF OF THE 6<sup>TH</sup> RESPONDENT**

I, Babitha A, wife of Mr. Nahas N, aged 53 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby solemnly affirm and sincerely state as follows:-

1. I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply on behalf of the 6<sup>th</sup> Respondents. I crave leave of the Hon'ble Tribunal to reply as and when additional facts are available to the Respondent.
2. It is submitted that this respondent denies all the allegations and averments raised by the Applicant except that are specifically admitted. It is submitted that the 6<sup>th</sup> Respondents submit certain facts, which are necessary for the present appeal, are placed hereunder in seriatim.
3. It is submitted that the Environmental Clearance dated 06.08.2020 was issued by SEIAA to Sri.Ummer Kutty.K, Director, Morayoor Granites Pvt. Ltd. for the granite building stone quarry project in Sy.No.153/2, 154/Pt in Morayur Village, Kondotty Taluk, Malappuramm District for a period of five years.
4. It is submitted that Sri.Mohammed.O filed an Appeal No.30 of 2020 before the Hone'ble NGT challenging the Environmental Clearance granted to the 2<sup>nd</sup> & 3<sup>rd</sup> respondents (Ummerkutty, Morayoor Granites) by the 1<sup>st</sup> respondent/SEIAA. The Hon'ble NGT vide Order dated 24.12.2021 suspended the Environmental Clearance for a period of 7 months and remitted back to the SEIAA, Kerala with following directions;



*Babitha A*

**BABITHA. A**  
Deputy Secretary to Govt. & Legal Officer  
State Environment Impact Assessment Authority  
4<sup>th</sup> Floor, KSRTC Terminal Complex  
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- a) *The Project Proponent has to comply with the direction of producing further report as directed by the SEAC in their 94<sup>th</sup> meeting and after getting the report in tune with the observation made by the Tribunal, it must be placed before the SEAC for proper consideration and after getting their recommendations, the SEIAA will have to consider the same again afresh.*
- b) *The Project Proponent also must be directed to conduct a study regarding the flora and fauna and the biological environment available in that area and the mitigation plan for protecting the same as directed by the Tribunal and that must also be placed before the SEAC for their consideration and after proper appraisal of those aspects and also the study already conducted in respect of baseline study, air and sound pollution, CER study, the SEAC is directed to make their specific recommendations on the same and that will have to be considered by the SEIAA afresh and take a decision regarding the conditions to be imposed on this aspect as well.*
- c) *The SEIAA is directed to place the slope stabilization study report submitted by the Project proponent before the SEAC and the SEAC is directed to consider that report and make their specific recommendations and give their reasons for acceptance of the report and if not, if any further study will have to be done, then the SEAC is at liberty to direct the project proponent to conduct further study on the points and also the points directed to be done as pointed out by us in the earlier direction and if they want clarification for appraisal of the project and recommending the same and after getting such report, make their recommendations to be considered by the SEIAA which can consider those aspects as well and take appropriate decision in accordance with law.*
- d) *Till further assessment and appraisal of the project is done by the SEAC and SEIAA and EC with additional conditions are issued, the project proponent is directed not to carry on the mining activity on the basis of the EC which was suspended by this Tribunal and this must be intimated to the project proponent by the Registry as well as by the Mining Authorities and SEIAA immediately.*
- e) *The exercise of conduct of study must be completed by SEAC and SEIAA within a period of 7 months.*



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**5.** It submitted that as directed by the Hon'ble National Green Tribunal, the Proponent has informed vide letter dated. 10.01.2022, not to carry the mining activity on the basis of the EC which was suspended by the Hon'ble NGT and the District Geologist also informed vide Letter dated 07.02.2022.

**6.** It is submitted that the proposal was placed in the 113<sup>th</sup> meeting of SEIAA held on 19<sup>th</sup> & 20<sup>th</sup> April 2022. The Authority decided the following decisions (*Copy of the minutes enclosed as Annexure I*).

1. *The order of the H'ble NGT shall be forwarded to SEAC and the Project Proponent for compliance of the directions of the Hon'ble Tribunal.*
2. *As directed by H'ble NGT SEIAA should place the slope stabilization report before SEAC.*
3. *The SEAC shall obtain all reports from Project Proponent as directed by NGT and assess the EC proposal and give definite recommendation to SEIAA as directed by NGT.*
4. *The SEAC shall also verify the veracity of the mass petitions received during the field inspection with notice to them.*

**7.** It is submitted that the proposal was placed in the 128<sup>th</sup> meeting of SEAC held on 23<sup>rd</sup> & 24<sup>th</sup> May 2022. The Committee decided to direct the proponent to submit the details mentioned in the minutes within one month (*Copy of the minutes enclosed as Annexure II*).

**8.** It is submitted that the proposal was placed in the 132<sup>nd</sup> meeting of SEAC held on 15<sup>th</sup> September 2022. The Committee decided to entrust a Sub Committee for field inspection and report (*Copy of the minutes enclosed as Annexure III*). The Sub committee conducted the site inspection on 02.10.2022 and submitted the inspection report *which is enclosed as Annexure IV*.

**9.** It is submitted that the proposal was placed in the 136<sup>th</sup> meeting of SEAC held on 9<sup>th</sup> to 11<sup>th</sup> January 2023. Based on detailed discussions, the Committee decided to appraise the SEIAA that it is not desirable to permit mining in the proposed site from the point of view of precautionary principle. This is due to the fact that the stability of the slope is not adequate enough to support high intensity activities such as mining in the site located in a hazard zone with extensive slope of



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steep to very steep category with intermittent break-in-slope, deep soil cover and hydrologic heterogeneities. Further, the density of population in the downstream area of the proposed site is also very high, who will always be on threat of land failures or debris flow in case of a slope failure. Therefore, in the given environmental scenario, it is desirable to discourage the proposed project in the suggested site". (Copy of the minutes enclosed as Annexure V).

**10.** It is submitted that the proposal was placed in the 123<sup>rd</sup> meeting of SEIAA held on 27<sup>th</sup> & 28<sup>th</sup> January 2023, the Authority decided to agree with the recommendation of the SEAC and issue Show Cause Notice to the Project Proponent for the cancellation of EC. The Project Proponent should submit the explanation for the Show Cause Notice within 15 days from the date of Notice. The Authority also observed that the direction of the Hon'ble NGT in Appeal No. 30 of 2020 is complied herewith. (Copy of the minutes is enclosed as Annexure VI).

**11.** It is submitted that the Showcause Notice was issued to the project proponent by post and email (Copy of the showcause notice enclosed as Annexure VII). The reply to the show cause notice was received on 04.04.2023 (Copy of the reply enclosed as Annexure VIII).

**12.** It is submitted that the Sri.Muhammed.O has filed OA No.26 of 2023 before the Hon'ble NGT with a prayer to present this Memorandum of Application seeking the intervention of the Hon'ble NGT to prevent the respondents 1 & 2 from proceeding to operate the quarry in the Arimbra Hills in Sy. No.153/2 & 154 pt of Morayur Village, Kondotty, Malppuram without EC, which is in violation of the mandate of law and also in violation of the final order dated 24.12.2021 passed in Appeal No.30 of 2020 passed by this Hon'ble NGT, suspending the EC No.75 of 2020 granted in favour of the proponent and others. The matter was placed in the 125<sup>th</sup> meeting of SEIAA held on 28<sup>th</sup> & 29<sup>th</sup> March 2023. The minutes of the meeting is not finalized yet.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the plea and pass such order or orders as this Hon'ble tribunal may deem fit and proper in circumstances of the case and thus render justice.

Dated at Chennai on this the 3<sup>rd</sup> day of May, 2023.



**6<sup>TH</sup> RESPONDENT**

*Babitha A*

**BABITHA. A**

Deputy Secretary to Govt. & Legal Officer  
State Environment Impact Assessment Authority  
4<sup>th</sup> Floor, KSRTC Terminal Complex  
Thiruvananthapuram Phone : 0471-2334262

**VERIFICATION**

I, Babitha A, wife of Mr. Nahas N, aged 53 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of paras 1 to 12 are true to the best of my personal knowledge and paras 1 to 12 believed to be true on legal advice and that I have not suppressed any material fact.

Dated at Chennai on this the 3<sup>rd</sup> day of May, 2023.

**6<sup>TH</sup> RESPONDENT****BABITHA. A**

Deputy Secretary to Govt & Legal Officer  
State Environment Impact Assessment Authority  
4<sup>th</sup> Floor, KSRTC Terminal Complex  
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**MINUTES OF THE 113<sup>th</sup> MEETING OF THE STATE LEVEL  
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)  
KERALA, HELD ON 19<sup>th</sup> & 20<sup>th</sup> April 2022 THROUGH VIDEO  
CONFERENCING.**

**Item No.113.58**      **Environmental Clearance issued to the quarry project in Sy.No.153/2, 154/Pt in Morayur Village, Kondotty Taluk, Malappuramm District owned by Sri.UmmerKutty.K, M/s.Morayoor Granites Pvt. Ltd. – Order of NGT in Appeal No.30 of 2020 filed by Sri.Mohammed.O – reg :- (File No.1239/EC2/2019/SEIAA)**

The Authority perused the item and noted the decision of the Hon'ble NGT in Appeal No.30 of 2020 on 24.12.2021. The Authority observed that the EC for the quarry project was issued on 06.08.2020 subject to one of the specific condition that, the proponent should take adequate measures for slope stabilization as pointed out by SEAC and activities taken up for slope stabilization should be included in the compliance reports. The Environmental Clearance granted by SEIAA was suspended for a period of 7 months and remitted back to the SEIAA. Under the circumstances Authority decided the following:

1. *The order of the H'ble NGT shall be forwarded to SEAC and the Project Proponent for compliance of the directions of the Hon'ble Tribunal.*
2. *As directed by H'ble NGT SEIAA should place the slope stabilization report before SEAC.*
3. *The SEAC shall obtain all reports from Project Proponent as directed by NGT and assess the EC proposal and give definite recommendation to SEIAA as directed by NGT.*
4. *The SEAC shall also verify the veracity of the mass petitions received during the field inspection with notice to them.*

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

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

**Sd/-**  
**Sri.K.KrishnaPanicker**  
**Member, SEIAA**

**MINUTES OF THE 128<sup>th</sup> MEETING OF THE SEAC KERALA HELD FROM 23<sup>TH</sup> TO 24<sup>TH</sup> MAY, 2022 IN CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM**

27. **Environmental Clearance issued to the quarry project in Sy.No.153/2, 154/Pt in Morayur Village, Kondotty Taluk, Malappuram District owned by Sri.UmmerKutty.K, M/s.Morayoor Granites Pvt. Ltd. – Order of NGT in Appeal No.30 of 2020 filed by Sri.Mohammed.O – reg :- (File No.1239/EC2/2019/SEIAA)**

**Decision:** The 109<sup>th</sup> meeting of SEAC recommended issuance of EC subject to the specific condition that the proponent should take adequate measures for slope stabilization and a report for stabilization to be provided. The 104<sup>th</sup> meeting of the SEIA decided to issue EC with specific condition suggested by SEAC. There was complaint before the Hon. NGT that the SEAC recommended the project, without considering the report of the study regarding the slope stabilization measures. Hon. NGT vide order dated 24.12.2021 suspended the EC for 7 months and it is remitted back to the SEIAA, Kerala with specific directions. The 113<sup>th</sup> meeting of SEIAA decided to (i) forwarded the order of the Hon. NGT to SEAC and the Project Proponent for compliance of the directions of the Hon'ble Tribunal, (ii) place the slope stabilization report before SEAC, (iii) direct SEAC to obtain all reports from Project Proponent as directed by NGT and assess the EC proposal and give definite recommendation to SEIAA as directed by NGT and verify the veracity of the mass petitions received during the field inspection with notice to them. Accordingly, the Committee decided to direct the proponent to submit the following details within one month:

- a. An explanation for the contradictory statements with respect to the biodiversity details in the Environmental Management Plan and Pre-Feasibility Report submitted.
- b. A detailed study regarding the flora and fauna and the biological environment available in that area and the mitigation plan for protecting the same as directed by the Tribunal
- c. A work plan for the implementation of the recommendations of the slope stabilization study.
- d. The details of CER proposed and its compliance status.
- e. Response to the complaints raised by the Arimbra Mala Samrakshana Samithi.

The Committee decided to conduct a field inspection and provide a detailed report to the SEIAA after obtaining the details from the proponent within one month.

**Sd/  
Suneel Pamidi, IFS  
Secretary, SEAC**

**Sd/  
Dr.Ajayak umar Varma  
Chairman, SEAC**

**MINUTES OF THE 132<sup>ND</sup> MEETING OF THE SEAC KERALA HELD FROM 13<sup>TH</sup> TO 15<sup>TH</sup> SEPTEMBER, 2022 IN CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM**

**132.02 Environmental Clearance issued to the quarry project in Sy.No.153/2, 154/Pt in Morayur Village, Kondotty Taluk, Malappuramm District owned by Sri.Ummer Kutty.K, M/s. Morayoor Granites Pvt. Ltd. – Order of NGT in Appeal No.30 of 2020 filed by Sri.Mohammed.O (File No.1239/EC2/2019/SEIAA)**

**Decision:** The Committee examined the proposal and documents submitted and the decisions of SEIAA and SEAC in their various meetings. The Committee observed that on.24.12.2021 the Hon'ble NGT ordered that the EC granted by the 1<sup>st</sup> respondent/SEIAA is suspended for a period of 7 months and remitted back to the SEIAA, Kerala with five directions. The 113<sup>th</sup> meeting of the Authority forwarded the order of the Hon'ble NGT to SEAC and the Project Proponent for compliance of the directions of the Hon'ble Tribunal. The 128<sup>th</sup> meeting of SEAC decided to direct the proponent to submit the details within one month and the PP now submitted additional details. The Committee noted that the slope stabilization study is not addressing the local geological and environmental characteristics. The work plan for the implementation of the recommendation of the study is not specific and it lacks material specification, work timeline, etc. The CER should contain detailed monitorable physical targets and hence it is to be revised. The response to the complaints raised by Arimbra Mala Samrakshana Samithi submitted by the proponent is not specific. **The Committee decided to entrust Dr. C. C. Harilal and Dr. R. Ajayakumar Varma for field inspection and report.**

Sd/  
Suneel Pamidi, IFS  
Secretary, SEAC

Sd/  
Dr.Ajayakumar Varma  
Chairman, SEAC

**FIELD INSPECTION REPORT**

**Environmental Clearance issued to the quarry project in Sy.No.153/2, 154/Pt in Morayur Village, Kondotty Taluk, Malappuramm District owned by Sri. Ummer Kutty K., M/s. Morayoor Granites Pvt. Ltd. Re-examination of the Proposal consequent to the Order of NGT in Appeal No.30 of 2020 filed by Sri. Mohammed O. (File No.1239/EC2/2019/SEIAA; SIA/KL/MIN/93359/2019)**

**Background**

Environmental Clearance dated 06.08.2020 was issued to the granite building stone quarry project for a period of five years. The issuance of EC is challenged by Sri. Mohammed O., representing 'Arimbra Mala Samrakshana Samithi' vide Appeal No.30 of 2020 before the Hon'ble NGT. Hon. NGT vide its order dated 24.12.2021 suspended the EC for a period of 7 months and remitted it back to SEIAA with the following directions.

- 1. The PP has to comply with the direction of producing further report as directed by the SEAC in their 94<sup>th</sup> meeting and after getting the report in tune with the observation made by the Tribunal, it must be placed before the SEAC for proper consideration and after getting their recommendations, the SEIAA will have to consider the same again afresh.*
- 2. The PP also must be directed to conduct a study regarding the flora and fauna and the biological environment available in that area and the mitigation plan for protecting the same as directed by the Tribunal and that must also be placed before the SEAC for their consideration and after proper appraisal of those aspects and also the study already conducted in respect of baseline study, air and sound pollution, CER study, the SEAC is directed to make their specific recommendations on the same and that will have to be considered by the SEIAA afresh and take a decision regarding the conditions to be imposed on this aspect as well.*
- 3. The SEIAA is directed to place the slope stabilization study report submitted by the Project proponent before the SEAC and the SEAC is directed to consider that report and make their specific recommendations and give their reasons for acceptance of the report and if not, if any further study will have to be done, then the SEAC is at liberty to direct the project proponent to conduct further study on the points and also the points directed to be done as pointed out by us in the earlier direction and if they want clarification for appraisal of the project and recommending the same and after getting such report, make their recommendations to be considered by the SEIAA which can consider those aspects as well and take appropriate decision in accordance with law.*
- 4. Till further assessment and appraisal of the project is done by the SEAC and SEIAA and EC with additional conditions are issued, the project proponent is directed not to carry on the mining activity on the basis of the EC which was suspended by this Tribunal and this must be intimated to the project proponent by the Registry as well as by the Mining Authorities and SEIAA immediately.*
- 5. The exercise of conduct of study must be completed by SEAC and SEIAA within a period of 7 months.*

As directed by the Hon'ble NGT, the Proponent was informed vide letter dated. 10.01.2022, not to carry the mining activity on the basis of the EC which was suspended by the Tribunal.

A mass petition has been received from the residents of Morayur Grama Panchayat against M/s. Morayur Granites. The complainant requested to take necessary steps to protect the very existence of the Arimbra hill with 445 metre height which is the only source of drinking water to more than 500 families with its natural drinking water as well as ecological balance and environmental safeguards

The 113<sup>th</sup> meeting of SEIAA held during April 19-20, 2022 decided the following:

1. *The order of the Hon'ble NGT shall be forwarded to SEAC and the Project Proponent for compliance of the directions of the Hon'ble Tribunal.*
2. *As directed by Hon'ble NGT, SEIAA should place the slope stabilization report before SEAC.*
3. *The SEAC shall obtain all reports from Project Proponent as directed by NGT and assess the EC proposal and give definite recommendation to SEIAA as directed by NGT.*
4. *The SEAC shall also verify the veracity of the mass petitions received during the field inspection with notice to them.*

The proposal was placed in the 128<sup>th</sup> meeting of SEAC held on 23<sup>rd</sup> & 24<sup>th</sup> May 2022. The Committee decided to direct the proponent to submit the following details within one month:

1. *An explanation for the contradictory statements with respect to the biodiversity details in the Environmental Management Plan and Pre-Feasibility Report submitted.*
2. *A detailed study regarding the flora and fauna and the biological environment available in that area and the mitigation plan for protecting the same as directed by the Tribunal*
3. *A work plan for the implementation of the recommendations of the slope stabilization study.*
4. *The details of CER proposed and its compliance status.*
5. *Response to the complaints raised by the Arimbra Mala Samrakshana Samithi.*

The decision of SEAC was informed to the Proponent vide Letter dated 10.06.2022. The proponent attended the observations of SEAC and submitted the documents on 06.07.2022.

The 132<sup>nd</sup> meeting of the SEAC held during September 13-15, 2022 decided to conduct a field inspection. Accordingly, the field inspection was carried out on 2.10.2022. Though the Proponent was informed in advance to be present at the site along with the Consultants for the site visit, neither the Proponent nor the Consultant was available at the site. Based on the field inspection and evaluation of the project details and additional details submitted by the PP, the Committee prepared the following report.

### **Project details**

The project proposes to extract mineable reserve of 2,04,891 MT of building stone from an area of 0.9994 Ha located on the lower middle slope of Arimbra Mala with elevation ranging from 33m to 337m above MSL (as per Google Earth Pro). The elevation of the site varies

from 110m to 165m above MSL (as per Mine Plan). The production plan is 40,978 TPA with a mine life of 5 years providing 10 benches of 5m height. The site is thickly vegetated with soil thickness of around 2m. As per the Landslide Hazard Zonation Map, the site is fully located within the Medium Hazard Zone. The nearest residence is at a distance of 160m. Rock exposure is observed on the higher slope of the site.

### **Compliance to the directions of Hon'ble NGT**

#### ***1. Consideration of the details submitted by the PP as per the directions of 94<sup>th</sup> SEAC***

The 94<sup>th</sup> SEAC directed the PP to submit (i) Baseline details, (ii) Monitoring data of sound and air, (iii) Reworked Flora and Fauna and (iv) Reworked CER in consultation with the working group of Local Self Government. This has been submitted on 6.7.2022. The details submitted has been evaluated and the following are the observations.

- The baseline details have been submitted for meteorology, air quality, noise level, water environment, hydrology and land environment. The hydrology of the site is not described based on site specific information. It is to be noted that the field investigation report submitted by the subcommittee of SEAC dated 20.4.2019, reported a seasonal spring at the foot-slope of the site and a suspected underground tunnel based on well observations. No detailed analysis of the spring or suspected underground tunnel are dealt with in the document submitted. It is also to be noted that the baseline details on land environment does not contain site specific information. A portion of the site exhibits exposed rocks and the field investigation report of the SEAC dated 20.4.2019 reported indication of subsidence and spreading of cracks parallel and across the contours which are critical observations pertaining to possible instability. The baseline also does not describe about the soil cover, the thickness and characteristics of which are critical information pertaining to terrain instability. Therefore, the baseline information failed to provide critical site-specific information pertaining to hydrology, land environment and soil which are extremely important aspects in a terrain with steep to very steep slope and falling in the landslide hazard zone.
- The environmental management plan submitted is also not site specific to mitigate the adverse impacts predicted considering the site characteristics.
- The reworked flora and fauna report is satisfactory
- The Proponent was directed to rework the CER in consultation with the local government. However, there is no valid proof that the reworked CER is discussed with the Local Government.

#### ***2. Study regarding the flora and fauna and the biological environment available in that area and the mitigation plan for protecting the same***

- The study report on the flora and fauna and the biological environment does not indicate the presence of any biodiversity rich habitat and endangered or endemic species.

### **3. *Specific recommendations based on the above two aspects***

- No adequate and site-specific terrain information has been provided by the Proponent to arrive at a conclusion that the terrain is safe for intensive and intrusive activity such as that of mining. The field investigation report by the SEAC team dated 20.4.2019, however, indicated possible land instability based on hydrologic, geologic and terrain characteristics. Though the field investigation of SEAC team on 10.1.2020 stated that there was no reactivation of ground subsidence or new failures even after intense rainfall of the year 2019, it can not be considered as adequate reason to decide the site as a safe zone with respect to land stability.

### **4. *Specific recommendations and reasons for acceptance of the report of the slope stabilization study***

The Proponent has submitted a Slope Stability Report dated 3.3.2020 prepared by Mr. S. Mahesh for M/s. Prime Technology Services. The report is not acceptable due to the following reasons.

- There is no information available on the credentials or competence of the organization. There are also no published papers, reports or works available to assess the competence of Mr. S. Mahesh (Qualified Person recognized by the Directorate of Mining & Geology Department for preparation of Mine Plan) for the preparation of slope stability report.
- The report stated that there are four factors that affect slope stability. It misses out the important factors such as rainfall characteristics, hydrology, soil thickness, vegetation characteristics etc. Even the four factors mentioned are not studied with field level data.
- The study is confined only to the site proposed for mining. But stability of the land depends on all the factors pertaining to land stability applicable to the entire length of the slope of the hill with an altitudinal variation of 33m to 337m above MSL. The slope characteristics of the entire length of the slope of the hill, including break-in-slope regions are extremely important to be assessed, but it is not done in the report.
- The structural geology characteristics of the site and its surrounding region is not found considered in the study. The lithological aspects, weathering characteristics of rocks, overburden thickness, top soil thickness, soil characteristics etc are not found studied based on field level data.
- The hydrologic and hydrogeologic characteristics are important factors that are to be studied for assessing the land stability. However, these are not found have studied with field level data.

### **5. *Further study, if any, to be recommended by the SEAC***

- The proposed site is located on the lower middle portion of an extensive slope of an isolated hill ridge with elevation varying from 33m to 337m above MSL. The site is located between elevation 110m to 165m above MSL on the eastern side of the hill ridge just below the Mini Ooty view point, a local tourist destination. The slope is steep to very steep with intermittent break-in-slope and thick soil cover at places. The

site falls in the moderate landslide hazard zone. The vegetation is generally thick and there are patches of rock exposures. The rocks are jointed in nature. The hydrologic and hydrogeologic detailing done by the SEAC team in 2019 reported signs of subsidence, excessive underground seepage and possibility of underground tunnel. All these point towards the fact that the stability of the slope is not adequate enough to support any high intensity activities such as mining. Further, the density of population in the downstream area of the proposed site is also very high, who will always be on threat and hence it is desirable to discourage the proposed project. Therefore, in the given environmental scenario, it is difficult to have a conclusive study within the scope of the relatively small quarry project, in the given terrain.

### **Evaluation of the details submitted in response to the decision of 128<sup>th</sup> SEAC**

The Committee also examined the following details submitted by the proponent vide letter dated 1.7.2022 as per the directions in the 128<sup>th</sup> meeting of SEAC held during 23-24, May 2022.

**1. *Explanation for the contradictory statements with respect to the biodiversity details in the Environmental Management Plan (EMP) and Pre-Feasibility Report (PFR) submitted.***

- Proponent explained that he has provided only basic nature of the terrain in the PFR and annexed the detailed biodiversity assessment report to the EMP.

**2. *A detailed study regarding the flora and fauna and the biological environment available in that area and the mitigation plan for protecting the same as directed by the Tribunal***

- This has been done and submitted by the Proponent which is found satisfactory.

**3. *A work plan for the implementation of the recommendations of the slope stabilization study.***

- The Proponent has suggested gabion wall, drainage management and plantation to avoid soil slope failure. No detailed plan and specifications of the work plan has been submitted. While drainage management and vegetation help to avoid soil slope failure to a considerable extent, these are not adequate precaution for the area with significant terrain instability as has been the situation prevailing in and around the proposed site.

**4. *The details of CER proposed and its compliance status.***

- The mining activity has not been commenced and hence the implementation of CER. Though the Proponent was directed to rework the CER in consultation with the Local Governments, the details of consultation with the Local Government is not provided.

**5. *Response to the complaints raised by the Arimbra Mala Samrakshana Samithi.***

- Appropriate response to the complaints raised is not given by the Proponent.

### **Recommendations**

Based on the details provided above, it is not desirable to permit mining in the proposed site from the point of view of precautionary principle. This is due to the fact that the stability of the slope is not adequate enough to support high intensity activities such as mining in the site located in a hazard zone with extensive slope of steep to very steep category with intermittent break-in-slope, deep soil cover and hydrologic heterogeneities. Further, the density of population in the downstream area of the proposed site is also very high, who will always be on threat of land failures or debris flow in case of a slope failure. Therefore, in the given environmental scenario, it is desirable to discourage the proposed project in the suggested site.

**Prepared by**

Dr. R. Ajayakumar Varma

Dr. C.C. Harilal

02.10.2022



## Annexure V

**MINUTES OF THE 136<sup>th</sup> MEETING OF THE SEAC KERALA HELD FROM 09<sup>th</sup> TO 11<sup>th</sup> JANUARY 2023 IN CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM**

**136.14 Environmental Clearance issued to the quarry project in Sy.No.153/2, 154/Pt in Morayur Village, Kondotty Taluk, Malappuramm District owned by Sri.Ummer Kutty.K, M/s.Morayoor Granites Pvt. Ltd. – Order of NGT in Appeal No.30 of 2020 filed by Sri.Mohammed.O (File No.1239/EC2/2019/SEIAA)**

**Decision:** Environmental Clearance dated 06.08.2020 was issued to the granite building stone quarry project for a period of five years. The project is to extract mineable reserve of 2,04,891 MT of building stone from an area of 0.9994 Ha located at elevation of varying from 110m to 165m above MSL falling in the lower middle slope of Arimbra Mala with elevation ranging from 33m to 337m. The proposed mine life is 5 years and the nearest residence is at a distance of 160m. As per the Landslide Hazard Zonation Map, the site is fully located within the Medium Hazard Zone. Hon'ble NGT. Hon. NGT vide its order dated 24.12.2021 suspended the EC for a period of 7 months and remitted it back to SEIAA with directions. As directed by the Hon'ble NGT, the Proponent was prohibited from carrying out mining activity vide letter dated 10.01.2022. The 113<sup>th</sup> meeting of SEIAA held during April 19-20, 2022 directed SEAC to comply with the directions of the Hon'ble Tribunal and also verify the veracity of the mass petitions received during the field inspection with notice to them. The 128<sup>th</sup> meeting of SEAC held during May 23-24, 2022 directed the proponent to submit the required details within one month and the proponent submitted the documents on 06.07.2022. As decided in the 132<sup>nd</sup> meeting of the SEAC held during September 13-15, 2022 a field inspection was carried out on 2.10.2022. Neither the Proponent nor the Consultant was available at the site during the field inspection though information was provided in advance. The Committee discussed the field inspection report and evaluated the compliance to the directions of Hon'ble NGT as follows.

**1. Consideration of the details submitted by the PP as per the directions of 94<sup>th</sup> SEAC:**

- The baseline information failed to provide critical site-specific information pertaining to hydrology, land environment and soil which are extremely important aspects in a terrain with steep to very steep slope and falling in the landslide hazard zone.
- The environmental management plan submitted is not site specific to mitigate the adverse impacts predicted considering the site characteristics.
- The reworked flora and fauna report is satisfactory
- The CER was to be reworked in consultation with the local government, but there is no valid proof that the reworked CER is discussed with the Local Government.

## **2. Study regarding the flora and fauna and the biological environment available in that area and the mitigation plan for protecting the same**

- The study report on the flora and fauna and the biological environment does not indicate the presence of any biodiversity rich habitat and endangered or endemic species.

## **3. Specific recommendations based on the above two aspects**

- No adequate and site-specific terrain information has been provided by the Proponent to arrive at a conclusion that the terrain is safe for intensive and intrusive activity such as that of mining. The field investigation report by the SEAC team dated 20.4.2019, however, indicated possible land instability based on hydrologic, geologic and terrain characteristics. Though the field investigation of SEAC team on 10.1.2020 stated that there was no reactivation of ground subsidence or new failures even after intense rainfall of the year 2019, it can not be considered as adequate reason to decide the site as a safe zone with respect to land stability.

## **4. Specific recommendations and reasons for acceptance of the report of the slope stabilization study**

The Proponent has submitted a Slope Stability Report dated 3.3.2020 prepared by Mr. S. Mahesh for M/s. Prime Technology Services. The report is not acceptable due to the following reasons.

- There is no information available on the credentials or competence of the organization. There are also no published papers, reports or works available to assess the competence of Mr. S. Mahesh (Qualified Person recognized by the Directorate of Mining & Geology Department for preparation of Mine Plan) for the preparation of slope stability report.
- The report stated that there are four factors that affect slope stability. It misses out the important factors such as rainfall characteristics, hydrology, soil thickness, vegetation characteristics etc. Even the four factors mentioned are not studied with field level data.
- The study is confined only to the site proposed for mining. But stability of the land depends on all the factors pertaining to land stability applicable to the entire length of the slope of the hill with an altitudinal variation of 33m to 337m above MSL. The slope characteristics of the entire length of the slope of the hill, including break-in-slope regions are extremely important to be assessed, but it is not done in the report.
- The structural geology characteristics of the site and its surrounding region is not found considered in the study. The lithological aspects, weathering characteristics of rocks, overburden thickness, top soil thickness, soil characteristics etc are not found studied based on field level data.
- The hydrologic and hydrogeologic characteristics are important factors that are to be studied for assessing the land stability. However, these are not found have studied with field level data.

### **5. Further study, if any, to be recommended by the SEAC**

- The proposed site is located on the lower middle portion of an extensive slope of an isolated hill ridge with elevation varying from 33m to 337m above MSL. The site is located between elevation 110m to 165m above MSL on the eastern side of the hill ridge just below the Mini Ooty view point, a local tourist destination. The slope is steep to very steep with intermittent break-in-slope and thick soil cover at places. The site falls in the moderate landslide hazard zone. The vegetation is generally thick and there are patches of rock exposures. The rocks are jointed in nature. The hydrologic and hydrogeologic detailing done by the SEAC team in 2019 reported signs of subsidence, excessive underground seepage and possibility of underground tunnel. All these point towards the fact that the stability of the slope is not adequate enough to support any high intensity activities such as mining. Further, the density of population in the downstream area of the proposed site is also very high, who will always be on threat and hence it is desirable to discourage the proposed project. Therefore, in the given environmental scenario, it is difficult to have a conclusive study within the scope of the relatively small quarry project, in the given terrain.

The Committee also examined the details submitted by the proponent vide letter dated 1.7.2022 as per the directions in the 128<sup>th</sup> meeting of SEAC held during 23-24, May 2022. The Proponent has suggested gabion wall, drainage management and plantation to avoid soil slope failure. No detailed plan and specifications of the work plan has been submitted. While drainage management and vegetation help to avoid soil slope failure to a considerable extent, these are not adequate precaution for the area with significant terrain instability as has been the situation prevailing in and around the proposed site. The Proponent has also not provided appropriate response to the complaints raised by the Arimbra Mala Samrakshana Samithi.

**Based on detailed discussions, the Committee decided to appraise the SEIAA that it is not desirable to permit mining in the proposed site from the point of view of precautionary principle. This is due to the fact that the stability of the slope is not adequate enough to support high intensity activities such as mining in the site located in a hazard zone with extensive slope of steep to very steep category with intermittent break-in-slope, deep soil cover and hydrologic heterogeneities. Further, the density of population in the downstream area of the proposed site is also very high, who will always be on threat of land failures or debris flow in case of a slope failure. Therefore, in the given environmental scenario, it is desirable to discourage the proposed project in the suggested site.**

## Annexure VI

**MINUTES OF THE 123<sup>rd</sup> MEETING OF THE STATE LEVEL  
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)  
KERALA, HELD ON 27<sup>th</sup> & 28<sup>th</sup> JANUARY 2023 IN THE CONFERENCE  
HALL, SEIAA KERALA.**

**Item No.123.24 Environmental Clearance issued to the quarry project of Sri. Ummer Kutty K., M/s. Morayoor Granites Pvt. Ltd. in Sy Nos. 153/2, 154/Pt in Morayur Village, Kondotty Taluk, Malappuram – Order of NGT in Appeal No.30 of 2020 filed by Sri. Mohammed O. (File No. 1239/EC2/2019/SEIAA)**

The Authority perused the item and noted that the Hon'ble NGT vide order dated 24.12.2021 suspended the EC for a period of 7 months and remitted back to the SEIAA, Kerala with certain directions. The Authority noted the decisions of various SEAC meetings, the field inspection conducted on 02.10.2022 and the documents submitted by the Project Proponent. The SEAC in its 136<sup>th</sup> meeting intimated SEIAA that from the point of view of Precautionary Principle, the mining in the proposed area is not desirable to permit. According to the SEAC, the site located in a hazard zone with extensive slope of steep to very steep category with intermittent break-in-slope, deep soil cover and hydrologic heterogeneities and hence the stability of the slope is not adequate enough to support high intensity activities such as mining. Besides, the density of population in the downstream area of the proposed site is very high and there will always be a threat of land failures or debris flow, in case of a slope failure. Considering the environmental scenario, the SEAC is of the opinion that, it is desirable to discourage the proposed project in the suggested area.

**In the above circumstance, the Authority decided to agree with the recommendation of the SEAC and issue Show Cause notice to the Project Proponent for the cancellation of EC. The Project Proponent should submit the explanation for the Show Cause Notice within 15 days from the date of Notice. The Authority also observed that the direction of the Hon'ble NGT in Appeal No. 30 of 2020 is complied herewith.**

**State Level Environment Impact Assessment  
Authority  
(SEIAA) Kerala**

**K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor,  
Thiruvananthapuram - 695 001**  
Ph: +91471-2334262 (Off) +91471-2334265 (Fax)  
e-mail: [seacseiaakerala@gmail.com](mailto:seacseiaakerala@gmail.com)  
web: [www.seiaakerala.in](http://www.seiaakerala.in)

No. 1239/EC2/2019/SEIAA

Date : 02.03.2023

To

Sri.Ummerkutty.K.  
Director, Morayoor Granites Pvt.Ltd.  
Mucheeth House, Elambra, Nellikuzhy  
Ernakulam – 686 691

Sub:- SEIAA Kerala - Environmental Clearance for the granite building stone quarry project in Survey No. 153/2, 154/Pt in Morayur Village, Kondotty Taluk, Malappuram, Kerala – Show Cause Notice - forwarding of - Reg:-

- Ref:-
1. Environmental Clearance order No. 1239/EC2/2019/SEIAA dated 06.08.2020
  2. Order dated 24.12.2021 of the Hon'ble NGT in Appeal No.30 of 2020 filed by Sri.Muhammed.O
  3. Minutes of 113<sup>th</sup> meeting of SEIAA held on 19<sup>th</sup> & 20<sup>th</sup> April 2022
  4. Minutes of 128<sup>th</sup> meeting of SEAC held on 23<sup>rd</sup> & 24<sup>th</sup> May 2022.
  5. Minutes of 132<sup>nd</sup> meeting of SEAC held on 15<sup>th</sup> September 2022.
  6. Minutes of 136<sup>th</sup> meeting of SEAC held on 9<sup>th</sup> to 11<sup>th</sup> January 2022.
  7. Minutes of 123<sup>rd</sup> meeting of SEIAA held on 27<sup>th</sup> & 28<sup>th</sup> January 2023.

**SHOWCAUSE NOTICE**

**WHERE AS** Environmental Clearance was issued vide reference (1) to the Granite Building Stone Quarry Project of Sri.Ummerkutty for an area of 0.9994 Ha in Survey No. 153/2, 154/Pt in Morayur Village, Kondotty Taluk, Malappuram, Kerala for a period of 5 years.

**AND WHEREAS** Sri.Mohammed.O filed an Appeal No.30 of 2020 before the Hon'ble NGT challenging the Environmental Clearance granted to the 2<sup>nd</sup> & 3<sup>rd</sup> respondents (Ummerkutty, Morayoor Granites) by the 1<sup>st</sup> respondent/SEIAA. Vide Order dated 24.12.2021, the Hon'ble NGT suspended the Environmental Clearance granted by the 1<sup>st</sup> respondent/SEIAA for a period of 7 months and remitted back to the SEIAA, Kerala with certain directions.

**AND WHEREAS** the Authority vide reference (3), decided the following:

1. *The order of the H'ble NGT shall be forwarded to SEAC and the Project Proponent for compliance of the directions of the Hon'ble Tribunal.*
2. *As directed by H'ble NGT SEIAA should place the slope stabilization report before SEAC.*
3. *The SEAC shall obtain all reports from Project Proponent as directed by NGT and assess the EC proposal and give definite recommendation to SEIAA as directed by NGT.*
4. *The SEAC shall also verify the veracity of the mass petitions received during the field inspection with notice to them.*

**AND WHEREAS** the Committee vide reference (4), decided to direct the Project Proponent to submit certain details within one month. The Project Proponent attended the observations of SEAC and submitted the documents on 06.07.2022.

**AND WHEREAS** the Committee vide reference (5), decided to entrust a Sub Committee for conducting a field inspection and report. The Sub Committee conducted the site visit on 02.10.2022 and submitted the report.

**AND WHEREAS** based on detailed discussions, the Committee vide reference (6), decided to intimate SEIAA that it is not desirable to permit mining in the proposed site from the point of view of Precautionary Principle. This is due to the fact that the stability of the slope is not adequate enough to support high intensity activities such as mining, in the site located in a hazard zone with extensive slope of steep to very steep category with intermittent break-in-slope, deep soil cover and hydrologic heterogeneities. Further, the density of population in the downstream area of the proposed site is also very high, who will always be on threat of

land failures or debris flow in case of a slope failure. Therefore, in the given environmental scenario, it is desirable to discourage the project in the suggested site.

**AND WHEREAS** the Authority vide reference (7), decided to agree with the recommendation of the SEAC and issue Show Cause Notice to the Project Proponent for the cancellation of EC. The Project Proponent should submit the explanation for the Show Cause Notice within 15 days from the date of notice.

**This Notice is hereby issued to you to Show Cause as to why the EC issued should not be cancelled for the reasons explained above. You are directed to submit your explanation within a period of 15 days from the date of receipt this notice, failing which the Authority will proceed with further action including the cancellation of EC under law assuming that you have no cause to show in the matter.**



**Administrator, SEIAA  
For Member Secretary, SEIAA**

Copy to:

1. The Additional Chief Secretary, Environment Department (MS, SEIAA)
2. The Director, Directorate of Environment & Climate Change, Trivandrum (MS, SEAC)
3. The District Collector, Malappuram
4. The Director, Mining & Geology, Trivandrum
5. The District Geologist, Malappuram
6. The Tahsildhar, Kondotty Taluk, Malappuram
7. The Secretary, Morayur Grama Panchayath, Malappuram
8. Stock File
9. Website
10. O/C



## Annexure VIII

1



**BEFORE THE STATE ENVIRONMENT IMPACT ASSESSMENT  
AUTHORITY - SEIAA KERALA,  
4<sup>TH</sup> FLOOR, KSRTC BUS TERMINAL BUILDING, THAMPANOOR,  
TRIVANDRUM**

**REPLY SUBMITTED BY M/S.MORAYOOR GRANITES PVT. LTD., KONDOTTY,  
MALAPPURAM, TO THE SHOW NOTICE DATED 2-3-2023**

**Sub: Reply to the Show Cause Notice dated 2-3-2023 – Reg:-**

**Ref: Environmental Clearance bearing No.1239/EC2/2019/SEIAA,  
dt.6-8-2020 issued to the undersigned**

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Vide the show cause notice dated 2-3-2023, which was served on the undersigned on 21-3-2023, the Hon'ble Authority directed the undersigned to show cause as to why the Environmental Clearance issued, should not be cancelled for the reasons explained in the notice and the undersigned was directed to submit the explanation within a period of 15 days from the date of receipt of the notice.

The reply to the show cause is thus being filed within the time limit specified in the show cause notice.

At the outset it is submitted that the show cause notice has been issued to the undersigned by this Authority, **after deciding to agree** with the recommendation of the SEAC that it is not desirable to permit mining in the proposed site. In other words, the notice is post decisional. In such circumstance, the issuance of show cause notice will not serve any purpose and nothing but a ritualistic performance. The same violates principles of natural justice.

It is submitted that, this Hon'ble Authority should have taken the decision only after affording an opportunity of being heard with respect to the proposal of the SEAC.

It is pertinent to notice that, the SEAC had taken its decision without affording an opportunity of being heard to the undersigned as well. In that view of the matter, the entire proceedings are vitiated by non-adherence of principles of natural justice and fair play and therefore gross prejudice has been caused to the undersigned.

Without prejudice to what is submitted above, it is submitted that the reasons shown in the Show Cause Notice for not to permit quarrying operation in the applied area are absolutely unsustainable and unreasonable.

It is pertinent to notice that, the Environmental Clearance has been granted by the authority, after conducting two specific site inspections and being satisfied that the activity is permissible in the applied area. It is thereafter that in pursuance of the directions of the Hon'ble National Green Tribunal that the matter was again placed for consideration. It is submitted that, the SEAC, thereafter deputed a Committee to inspect the site.

Though it is claimed in the report that the undersigned herein was informed in advance to be present at the site along with the Consultant for the site visit, neither the proponent nor the RQP were available in the site, it is submitted that, the proponent herein was not issued with any communication about the visit of the inspection committee and because of the said fact that the proponent or the RQP could not be present at the time

of site inspection. It is submitted that, the proponent or his RQP have not deliberately avoided their presence at the time of inspection, but could not be present during the inspection because they were absolutely unaware about the inspection.

In so far as the observations of the inspection committee as well as the SEAC with respect to the report submitted by the proponent regarding baseline details, Monitoring data of sound and air, reworked flora and fauna and reworked CER in consultation with the working group of Local Self Government etc., it is submitted that the SEAC did not direct for any specific Term of Reference for conducting of the study. The proponent had submitted a detailed report, covering all the points.

The allegation that no adequate and site specific terrain information has been provided by the proponent to arrive at a conclusion that the terrain is safe for intensive and intrusive activity such as that of mining is equally incorrect and therefore denied. A clear information with respect to the site specific details has been provided by the proponent.

The allegation that though the Field Investigation of SEAC team on 10-1-2020 stating that there was no reactivation of ground subsidence or new failures even after intense rainfall of the year 2019 cannot be considered as adequate reason to decide the site as a safe zone with respect to land stability, is absolutely incorrect and wrong, arbitrary and not sustainable.

It is pertinent to notice that, the non-recommendation on the ground of subsidence or any failures even after intense rainfall of the year 2019, it is

submitted that no violence were reported either during 2019 or thereafter during 2020 or 2021 and 2022. In that view of the matter, the inspection committee as well as SEAC went absolutely wrong in holding that the assessment of field inspection team dated 10-1-2020, cannot be considered.

The Inspection Committee as well as the SEAC went absolutely wrong and rather arbitrary in rejecting the slope stability report prepared and submitted by Mr.S.Mahesh for M/s.Prime Technology Services, which was submitted to SEIAA as directed by the SEAC committee in 109<sup>th</sup> meeting on 31<sup>st</sup> January and 01<sup>st</sup> February 2020, as stated that *'The Committee accepted the field inspection report and decided to recommend the issuance of EC subject to the specific condition that the proponent shall take adequate measures for slope stabilization and a report for stabilization has to be provided..'*, which covers the stabilization measures usually practicing in the building stone Mining projects. Here bring your kind attention that this report has submitted to ensure the practices of stabilization measures through out the operational phase of the project(where as detailed in the report and satellite images indicates the majority of the site has exposed rock) life which detailed the specific measures across the Boundary pillars of the site.

At this juncture, it is pertinent to notice that the undersigned was not given with any specific Institution to conduct the study. Sri.S.Mahesh, of M/s.Prime Technology Services is a qualified person as well. Merely because there were no published papers, reports or works, available to assess the credentials of the consultant, report submitted by them cannot

be rejected. The SEAC has rejected to accept the report of Mr. Maheh without gone into the merits of the report. The same is absolutely arbitrary.

The allegation that the report missed out the important factors such as rainfall characteristics, hydrology soil thickness, vegetation characteristics etc. and even the four facts mentioned are not studied with field level data are equally incorrect and wrong. As already submitted, no specific Terms of Reference of the study was given to the proponent by the SEAC.

The allegation that the study was confined only to the site proposed for mining and the stability of the land depends on all the factors pertaining to land stability applicable to the entire length of the slope of the hill and that the slope characteristics of the entire length of the slope of the hill, including break-in-slope regions are extremely important to be assessed, but it was not done in the report is equally incorrect and wrong. As already submitted that there was no such specific direction to cover those points.

The observation of the inspecting committee that it is difficult to have a conclusive study within the scope of the relatively small quarry project in the given terrain is absolutely arbitrary and an attempt to pre-empt a scientific study.

At this juncture, it is pertinent to notice that when the SEAC recommends for non-permitting the quarrying operation by invoking precautionary principle, they ought to have given a reasonable opportunity to the undersigned to conduct a further study into the aspects. It is also pertinent to notice that the Hon'ble National Green Tribunal had also opined

that if it is necessary, a further study may also be conducted. In such circumstances, the authority should have permitted the undersigned to conduct a further study into the site, covering the points which are required by the SEAC.

The allegation of the Committee as well as the inspecting committee that it is not desirable to permit mining in the proposed site from the point of view of precautionary principle since the stability of the slope is not adequate enough to support high intensity activities such as mining in the site located in a hazard zone with extensive slope of steep to very steep category with intermittent break-in-slope, deep soil cover and hydrologic heterogeneities and density of population etc. are absolutely incorrect and wrong and therefore stoutly denied.

The allegation that the density of population in the downstream area of the proposed site is also very high and will always be on threat of land failures of debris flow in case of a slope failure, etc. are only apprehensive and without any basis. It is submitted that, there is no dense population within the near distance of quarry. It is pertinent to see that the inspecting committee as well as the SEAC have only opined that it is desirable to discourage the proposed project in the suggested site. However, there is no finding to the effect that the proposed site is absolutely unsuitable or that any mitigating measure is absolutely impossible. The SEAC has not even given a reasonable opportunity to the undersigned to explore the possibilities for mitigating the issues raised by the SEAC. The same also violates the principles of natural justice and fair play.

It is submitted that, the allegation of the SEAC and the inspecting committee is that the study report submitted by the proponent is not comprehensive and not covering all the points. At this juncture, it is pertinent to notice that the points of enquiry were not suggested by the SEAC or the inspecting committee at any point of time to the undersigned.

Without prejudice to what is submitted above, it is submitted that the undersigned is ready and willing to undertake a detailed study through any institute of national repute and submit the same. Since the quarrying operation is yet to take place, grant of reasonable opportunity to conduct a detailed study will not cause any prejudice to anyone. On the other hand it will render the process transparent, fair and just. This is especially in view of the matter that the SEAC and SEIAA had already granted an Environmental Clearance with respect to the site and also that the National Green Tribunal had observed that a further study may be undertaken if it is necessarily and also in view of the fact that the SEAC had opined that the study report submitted by the undersigned was not comprehensive and that the credential of the person who prepared the report were not acceptable.

In that view of the matter, the undersigned requests this Hon'ble Forum to permit the undersigned to conduct a detailed study covering all the points through an institution of national repute viz. the NIITK, Surathkal and submit the same.

It is further requests that a final decision with respect to the recommendation of the SEAC may be taken only after getting such a report

and affording an opportunity of being heard to the undersigned or his authorized representative.

It is also requests that this Hon'ble Forum may take a decision only after affording an opportunity of being heard to the authorized person of the undersigned.

Yours faithfully,



**For M/s.Morayoor Granites Pvt. Ltd.**

Date: 01-04-2023