

Regional Office :

Karnataka State Pollution Control Board

Parisara Bhavana, 10B, Baikampady Industrial Area,
Mangalore - 575 011

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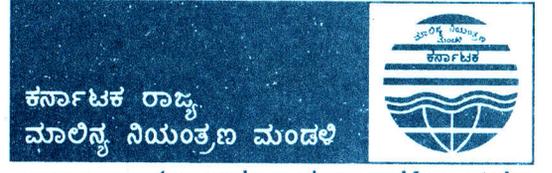
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ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ :

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ಬೈಕಂಪಾಡಿ ಕೈಗಾರಿಕಾ ಪ್ರದೇಶ

ಮಂಗಳೂರು - 575 011



towards a cleaner Karnataka

NO. KSPCB/EO(MNG)/NGT-OA 271/2017/2021-22

1992

Date:

04 JAN 2022

From

The Joint Committee Appointed by the NGT

To

The Hon'ble National Green Tribunal
Southern Zone, Chennai

Dear Sir

Through: R. Thirunakarassu, Standing Counsel for KSPCB

Subject: Submission parawise reply to objections to Joint Committee report.

Ref:1. Hon'ble NGT constituted an Joint Committee vide its order dated
06.03.2020,24.09.2020 & 24.06.2021

2. Objections filed by the Applicants to Joint Committee Report on hearing
dated:29.11.2021

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With reference to the above subject and reference, please find herewith attached parawise reply to objections filed by the applicants to the joint committee report are enclosed for onward submission to the Hon'ble NGT.

Yours faithfully,


(K.Keerthi Kumar)

EO & Member Convenor
KSPCB,RO-Mangalore

COPY SUBMITTED TO:

1. The Deputy Commissioner, Mangaluru, Dakshina Kannada District for kind information.
2. The Member Secretary, Head Office, KSPCB, Bangalore for kind information.

3. The Senior Environmental Officer, Mines Section, Head Office, KSPCB, Bangalore for kind information.
4. Law Officer, Head Office, KSPCB, Bangalore for kind information.
5. Sri Mahanthesh T, Joint Director, South Zone, 1st D Cross, 1st Block, Ramakrishna Nagara (Dattagali), Mysore-570 022 for kind information.
6. E. Thirunavukkarasu, Scientist "E" Ministry of Environment, Forest & Climate Change, Integrated Regional Office, Bengaluru, 4th Floor, E & F –wings, Kendriya Sadan, 17th Main Road, 2nd Block, Koramangala, Bengaluru -560 034 for kind information.
7. Sri Ramesh D. Naik, Zonal Senior Environmental Officer, Karnataka State Pollution Control Board, Mangaluru for kind information.

**PARAWISE REPLY SUBMITTED WITH RESPECT TO OBJECTIONS TO THE
JOINT COMMITTEE REPORT KSPCB/EO(MNG)/NGT-OA No.271 of
2017/2021-22/700-Dated:01.09.2021**

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI

Original Appln No. 271/2017(SZ)

G.Ashok and others

...

Applicant(s)

Versus

1.State of Karnataka and others

...Respondent(s)

Sl No	Para No.	REPLY
	a.	Parawise reply wrt to objections regarding M/s Sanidhya Crusher-R11
1a.	i.	The distances mentioned in para 2.4 were taken during the time of joint inspection by the Department of Mines and Geology in presence of complainants and Inspection committee using Garmin-GPS-csx-76 instrument and all the readings were taken for both the safer zone and quarry lease boundaries. These readings were recorded in the instrument and the same has been incorporated in the Google earth and distances measured are taken as screen shots were submitted which are true and matches with the ground, hence there is no manipulation in the readings as well as in measurements. The distance from the safer zone are measured as per the Acts.
	ii	
	iii	
1a.	iv	The amendment act 2013 is with respect to Karnataka stone crusher regulation act which is meant for only crushers and not for the quarry. For the quarry lease no DSKNS117, 392 & 360 forest NOC has been sought as mentioned in the report. For the quarry lease DSKNS391 has been granted on the basis of conditional grant as per rule 5(III) of KMMCR 2017(Amendment).

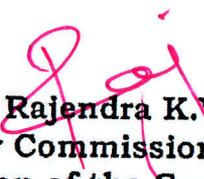
1a.	v	In the Joint Inspection report dated 29-05-2014 it has been clearly stated by Tahsildar, Belthangady that revenue villages are situated at 2.5 kms distance from the crusher safer zone. Further there is no concept of revenue village in Dakshina Kannada District.
1a.	vi	<p>This test has been done in the presence of complainants and they witnessed the factual ground conditions which was recorded in the Mahazar as well. Blasting test to ascertain the nature of vibration was carried out only for quarry lease no. DSKNS 391 as the QL area of 117 and 392 were water logged.</p> <p>It was observed from the vibration test conducted at Quarry DSKNS 391 of Respondent No 11 [D. Harshendra Kumar] that there is no impact/ vibration felt due to blasting at the houses located at a distance of 324 m[Vasanth Devadiga house] and 517m [Sri Anand house][Page 11 of the Joint Committee report dated 01.09.2021]. The related photos were attached with the report and has been already submitted.</p>
1a.	vii	<p>Blasting test to ascertain the nature of vibration was carried out only for quarry lease no. DSKNS 391 as the QL area of 117 and 392 were water logged. It can be seen from the google imagery produced at Page 9 of the Joint Committee Report dated 01.09.2021 that the QL No. 117 is adjacent to QL 391 only and the Crusher unit is located between the major quarry portion and house of Vasanth Devadiga and acting as natural barrier. It may also be noted that the Vasanth Devadiga house is at 125 m from the Crusher Safer Zone. The related photos were attached with the report and has been already submitted.</p> <p>This test has been done in the presence of complainants and they witnessed the factual ground conditions which was recorded in the Mahazar as well.</p>
1a.	viii	The objections cannot be accepted. As per the report dated 18.08.2021, it is clearly mentioned that the officers of Agriculture Department have not observed any stone dust accumulated on crops,

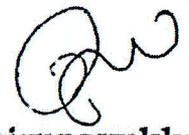
		<p>it may be due to rains or may not be such a problem at all. Currently, no damage was noticed in standing crop which was around 30 days old.</p> <p>Further, it is submitted that the samples were collected by the Committee in the presence of complainants at the specified location. The analysis were carried out by the third party which is a reputed institution as desired by the complainant and based on directions of Committee Chairman.</p>
b.	Parawise reply wrt to objections regarding M/s. Durgamba Crusher- R10	
1b	i.	The amendment act 2013 is with respect to Karnataka stone crusher regulation act which is meant for only crushers and not for the quarry. During the grant of the quarry lease number 360 the lease has been granted only after obtaining the NOC from forest department as submitted in the report.
1b	ii	In the Joint Inspection report dated 14-05-2015 it has been clearly stated by Tahsiladar, Belthangady that revenue villages are situated at 2.7 kms distance from the crusher safer zone
1b	iii	In the initial report submitted by the committee dated:04.11.2020 wherein, In Annexure-VII the report of the Department of Mines and Geology letter dated:21.10.2020 is enclosed. The report clearly pointed out that there is no public structures, houses and roads exists within a distance of 200 mts from the quarry lease area. Hence, the allegations by the applicants may be refuted.
1b	iv	Blasting test to ascertain the nature of vibration was not carried out for quarry lease no. DSKNS 360, as QL area was water logged. The related photos were attached with the report and has been already submitted. The inspection has been done in the presence of complainants and they witnessed the factual ground conditions which was recorded in the Mahazar as well.

		<p>It can be noted from the report on vibration test conducted at Quarry of Respondent No 10 [D. Harshendra Kumar] (Annexure-24 of Joint Committee Report dated 01.09.2021) that three vibration monitors at a distance of 212 m, 299 m and another at House of Sri Vasanth Devadiga (324m) were used. It was reported that “The ground vibration monitors not triggered indicating that the vibration produced by the blast at their respective locations of the instruments is less than 0.51 mm/s, which is very safe.”</p> <p>It may be noted that the in case of the Quarry of Respondent No 10 [Shri Santhosh Kumar Shetty], the nearest house is about 268 m [Shri Ananda] [Page 22 of the Joint Committee report dated 01.09.2021]. Since there is no vibration felt at a distance of 212 m, it can be concluded that there will not be any impact/ vibration due to blasting at house located at 268m.</p>
1b	v	There is no measure for detecting the quantity of dust in the storm water drain. However, the parameter suspended solids and dissolved solids are well within the standards.
1c	vi	The committee has not noticed any adverse impact on agricultural/horticultural crops during the visit. Moreover, the quarry and crushers are in operation since 2014. The Committee to have an idea took the opinion of the horticulture department. It is clearly mentioned in the report dated:18.08.2021 that the team did not visualize damage during the visit. The arecanut and coconut plantations are not adverse. Dust accumulation was not observed, the horticultural crops growth did not show adverse. Hence, question of detailed study does not arise at this juncture.
2		This objection should be straightaway rejected. The inspection was carried out as per directions of Honorable court in the presence of Chairman of the Committee along with the committee members and officers of various concerned departments, complainants, lease holders and advocates of both the parties. The whole inspection was

	photographed and video graphed and the true ground conditions were reported.
3	The photographic evidences, analysis reports and documents submitted with respect to all the queries and objections raised by the applicants through their petition in the Hon'ble NGT as well as during the inspection by the joint Committee justify the fact that the committee has honestly discharged their duties and furnished unbiased report based on ground facts and circumstantial evidences. The committee report has included all the information sought by applicant through the previous objections. Further the petitioner/applicants seem to intentionally drag the issue and wasting the time of Hon'ble Tribunal as well as the time of the officials concerned and every time new objections are being raised. Hence, the tribunal may kindly refute the allegations made by the applicants and reject the objections filed by the applicants and kindly accept the report of the joint committee.

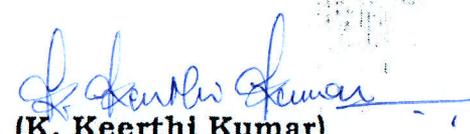
Hence, the committee submits and prays humbly before the Hon'ble tribunal to please reject the objections filed by the applicants and pass Orders as deemed appropriate in favor of natural justice.


(Dr. Rajendra K.V)
Deputy Commissioner and
Chairman of the Committee


(E. Thirunavukkarasu)
Scientist 'E', MoEF &CC,
Integrated Regional Office, Bangalore


(Mahanthesh.T)
Joint Director, South Zone, Mysore
Department of Mines and Geology.


(Ramesh D Naik)
Regional Senior Environmental Officer
Zonal Office, KSPCB Mangalore


(K. Keerthi Kumar)
EO & Member Convenor
KSPCB, RO-Mangalore

