

Presented on : 20-12-2022

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN BENCH) AT CHENNAI

Appeal No. 48 OF 2022

Roy Thomas

- Appellant

v.

Union of India & 10 Others

- Respondents

REPLY FILED BY THE 11TH RESPONDENT

BK & Co

ENOCH DAVID SIMON JOEL (E 68) K/925/09
S SREEDEV (S 2272) K 1219/2006
RONY JOSE (R 1364) K/705/2012
LEO LUKOSE (L 302) K/1131/2016
CIMIL CHERIAN KOTTALIL K/345/2017
COUNSEL FOR THE 11TH RESPONDENT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN BENCH) AT CHENNAI

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v.

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- Respondents

I N D E X

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9. Exhibit R11(h): True copy of the certificate dtd. 17.08.2020 issued by the Village Officer, V.Kottayam Village. 36-37
10. Exhibit R11(i): True copy of the judgment dated 29.08.2022 in WP(C) No. 25790/2022 on the files of the Hon'ble High Court of Kerala. 38-46
-

Dated this the 19th day of December 2022.


Counsel for the 11th Respondent

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

(SOUTHERN BENCH) AT CHENNAI

Appeal No. 48 OF 2022

Roy Thomas

- Appellant

v.

Union of India & 10 Others

- Respondents

REPLY FILED BY THE 11TH RESPONDENT

I, K. Sadanandan, S/o. Kunjukunju, aged 65 years, residing at Ambadiyil New Bunglow, Adoor P.O., Pathanamthitta, do take oath and solemnly affirm and state as follows;

1. I am the 11th Respondent in the above Appeal and I am aware of the facts of the case and am competent to swear to this affidavit.
2. The above appeal has been filed seeking an order rejecting the revalidation of environmental clearance in favour of the 11th Respondent which was granted by the 10th Respondent by order dated 26.07.2022.
3. All the averments and allegations contained in the appeal memorandum are denied except to the extent admitted hereunder. The above appeal is not maintainable either on law or on the facts and circumstances of the case.
4. At the outset, it is to be pointed out that the present appeal is not maintainable under the provisions of the National Green Tribunal Act. The present appeal has been filed under Section 16(h) of the Act. An appeal under Section 16(h) can be filed only against an order granting environmental clearance in an area in which any industries, operations or processes shall not



be carried out or shall be carried out subject to certain safeguards under the Environment Protection Act, 1986.

5. The order dated 26.07.2022 issued by the 10th Respondent is not an order granting environmental clearance. It is only a procedural order revalidating the validity of the environmental clearance which was granted in 2015. When the EC was originally granted on 10.08.2015, the validity was fixed as 5 years. When this fixture of 5 years was challenged before the Hon'ble High Court of Kerala, a contention was taken that the proper remedy is to file an appeal under Section 16(h) of the National Green Tribunal Act. The Hon'ble High Court by the judgment reported in *T. Mathew Abraham v. SEIAA and Others*; 2020 (6) KLT 302, held that order limiting the period is not an appealable order under Section 16(h) of the Act. It is thereafter that the Hon'ble High Court held that the order limiting the validity as 5 years without reference to the life of the project was against the express terms of the Environment Impact Assessment Notification, 2006 and accordingly directed revalidation of the validity in terms of the life of the project as contained in paragraph 9 of the EIA Notification, 2006. It is the order that was issued pursuant to the direction of the Hon'ble High Court that is now challenged in the present appeal. The same is expressly barred in terms of the dictum laid down in the above judgment and on this ground the appeal is liable to be dismissed as not maintainable.
6. It is also to be pointed out that the appeal is liable to be rejected for suppression of material facts. There is absolutely no bonafides on the part of the Appellant in prosecuting the present appeal. It is to be pointed out that the Appellant states that he is the Chairman of the Gramaraksha Samithi, Vallicodu-Kottayam. Prior to the grant of EC, the Gramaraksha

Samithi had in fact approached this Hon'ble Tribunal challenging the quarrying activities by the 11th Respondent by filing Original Application No. 169/2015. Since the quarrying activities were being carried out strictly in accordance with law, this Hon'ble Tribunal refused to pass any orders in favour of the applicant. Since the Gramaraksha Samithi was unable to obtain any favourable orders, Original Application No. 169/2015 was withdrawn by the Gramaraksha Samithi. It was stated that the applicant has got himself impleaded as an additional Respondent in the appeal that was filed against the EC and therefore the original application may be dismissed as withdrawn. Accordingly, Original Application No. 169/2015 was disposed of by this Hon'ble Tribunal by judgment dated 28.10.2016. True copy of the judgment dated 28.10.2016 in Original Application No. 169/2015 on the files of this Hon'ble Tribunal is produced and marked as **Exhibit R11(a)**.

7. In the meanwhile, Appeal No. 76/2015 was filed by one N. Sekharan Nair challenging the EC dated 10.08.2015 granted to the 11 Respondent. The Gramaraksha Samithi got itself impleaded as the 7th Respondent in Appeal No. 76/2015. When Appeal No. 76/2015 came up for hearing before this Hon'ble Tribunal on 04.12.2017, the appeal was adjourned to 17.01.2018 for final arguments. True copy of the order dated 17.01.2018 in Appeal No. 76/2015 on the files of this Hon'ble Tribunal is produced and marked as **Exhibit R11(b)**. Thereafter, even though the appeal was posted on several days for final hearing, none appeared for the parties and finally by order dated 13.05.2019, Appeal No. 76/2015 was dismissed for non-prosecution by the Principal Bench of this Hon'ble Tribunal. True copy of the order dated 13.05.2019 in Appeal No. 76/2015 on the files of the Principal Bench of this Hon'ble Tribunal is produced and marked as **Exhibit R11(c)**.



Ext.R11(c) judgment of the Principal Bench has become final and is binding on this Hon'ble Tribunal.

8. The Gramaraksha Samithi was a party in both Original Application No. 169/2015 as well as Appeal No. 76/2015 and it is well aware of Exts.R11(b) and R11(c) orders of this Hon'ble Tribunal. It is quite strange to note that the Appellant in the present appeal who is none other than the Chairman of the Gramaraksha Samithi, does not even make a mention about Original Application No. 169/2015 or Appeal No. 76/2015. In spite of being fully aware of Exts.R11(b) and R11(c) orders of this Hon'ble Tribunal, the same has been willfully suppressed in the present appeal. This is suppression of a material fact and the appeal is liable to be dismissed on this ground alone.
9. Even on facts, the Appellant has not made out any case for interference by this Hon'ble Tribunal in appeal. As per Paragraph 8(vi) of the Environmental Impact Assessment Notification, 2006, an environmental clearance can be cancelled if there is a deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application. The Appellant does not have any such allegation in the present appeal. There has not been any suppression of facts on the environmental sensitivity by 11th Respondent while seeking revalidation.
10. Grounds are raised in the Appeal based on certain events that had occurred in 2018. 2018 was a year in which the State of Kerala witnessed unprecedented rains and massive floods of unfathomable proportions. Pathanamthitta District and Ernakulam Districts were 2 Districts which were severely affected. Everything had gone out of control and all humanly



possible preventive measures had become futile. Incidents that had occurred during the said floods in 2018 is now raised as a ground to challenge the order granting revalidation of the validity of the environmental clearance in 2022. It will be too unreasonable and beyond all legal and logical comprehension to base a decision on the basis of incidents that were entirely beyond human control.

11. At this juncture, it is relevant to bring to the notice of this Hon'ble Tribunal the actual state of affairs. The 11th Respondent was conducting a quarry in various Survey Numbers in V. Kottayam Village in Pathanamthitta District on the strength of valid licenses and permits issued by the statutory authorities. The activities were being conducted on the strength of an Environmental Clearance Certificate dtd. 10.08.2015 with File No. 200/SEIAA/EC4/86/2014 issued by the 10th Respondent.
12. While granting the EC, the validity of the EC was confined as 5 years without any reference to the project life of the mine. 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.
13. Since the validity was fixed at 5 years without any reference to the project life of the mine, the 11th Respondent filed WP(C) No. 8210/2020 before the Hon'ble High Court of Kerala seeking a declaration that the EC was valid for a period of 7 years. Even though the said writ petition was allowed by judgment dated 17.03.2020, a review petition was filed by the SEIAA as R.P. 398/2020. By judgment dated 18.06.2020, the review petition was allowed and the judgment dated 06.03.2020 was recalled.



Thereafter WP(C) No. 8210/2020 was dismissed as withdrawn by judgment dated 18.06.2020 with liberty to the 11th Respondent to file a fresh writ petition.

14. The 11th Respondent thereafter filed WP(C) No. 12420/2020 before the Hon'ble High Court of Kerala seeking a declaration that the validity of the EC is for the life of the mine. WP(C) No. 12420/2020 was considered along with a batch of writ petitions and by judgment dated 02.11.2020 reported in 2020 (6) KLT 302, the Hon'ble High Court 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, the Hon'ble High Court directed SEIAA to estimate the project life and thereafter to revalidate the environmental clearance granted in accordance with the project life so estimated.
15. In compliance with the judgment of the Hon'ble High Court, proceedings were initiated by the SEIAA to estimate the project life and thereafter to revalidate the environmental clearance granted in accordance with the project life so estimated. In the process of revalidation, SEIAA had directed the 11th Respondent to produce a compliance report from the Integrated Regional Office of the Ministry of Environment, Forests and Climate Change to satisfy itself that the conditions in the EC that was originally granted was being complied with by the 11th Respondent. Accordingly, a detailed site inspection was carried out by a Scientist from the Integrated Regional Office of the Ministry of Environment, Forests and Climate Change in July 2021 and a report dated 20.10.2021 was submitted stating that the project was monitored and that compliance with the conditions was found to be satisfactory. True copy of the

Certified Compliance Report (CCR) dated 20.10.2021 issued by the Integrated Regional Office of the Ministry of Environment, Forests and Climate Change, Bangalore is produced and marked as **Exhibit R11(d)**.

16. In spite of Ext.R11(d) CCR from the Integrated Regional Office of the Ministry of Environment, Forests and Climate Change, Bangalore, a further field inspection was conducted by the Expert Appraisal Committee of the SEIAA. The field inspection report also found that the compliance of the conditions was satisfactory. It is thereafter that the Expert Appraisal Committee of the SEIAA in its 126th Meeting decided to recommend for revalidating the EC. True copy of the abstract of the minutes of the 126th meeting of the SEAC held during April 2022 is produced and marked as **Exhibit R11(e)**.
17. Thereafter the recommendation of the SEAC was considered by the SEIAA in its 115th meeting held on 30.06.2022. In the said meeting, the recommendation of the SEAC was accepted and the authority decided to revalidate the EC with the project life of 10 years from the date of issuance of the original EC. True copy of the abstract of the minutes of the 115th meeting of the SEIAA held on 30.06.2022 is produced and marked as **Exhibit R11(f)**. It is accordingly that the impugned order dated 26.07.2022 was issued by the 10th Respondent.
18. All necessary factors were considered in detail by all technical bodies before issuing the impugned order, revalidating the EC. A scientific study and analysis was conducted by the Integrated Regional Office of the Ministry of Environment, Forests and Climate Change prior to issuance of the impugned order. After inspection, a CCR was submitted to the SEIAA. Thereafter a technical study was also conducted by the field inspection team



deputed by the SEAC before recommending the revalidation of the EC. It is after considering the CCR as well as the field inspection report that the recommendation for revalidating the EC was made by the SEAC. Thus, there exists no factual or scientific grounds for interference with the impugned order revalidating the EC.

19. Be that as it may, the statements contained in paragraphs 1 to 4 of the memorandum of appeal are not fully correct and are hence denied. It is curious to note that even though in paragraph 4, the Appellant states that there are around 150 quarries functioning unauthorisedly in the area, no action has been taken by the Appellant, who is projected to be a public spirited citizen and who has been taking up the cause against illegal quarrying in the area, against the said quarries. This point towards the lack of bonafides on the part of the Appellant. The 11th Respondent alone is being proceeded against only with ulterior motives.

20. Statements contained in paragraph 4 are based on the extraordinary events that took place during the monsoon in 2018. The area had witnessed never before seen heavy rain falls which led to an unprecedented and ravaging floods. Every river and stream had overflowed and there was severe chaos everywhere. The District of Pathanamthitta was one that was affected the most. During this event, the water that was stored in the RWH Ponds (which were the existing mining pits) had overflowed. It is the unforeseen and unprecedented heavy rain falls that had caused the mishap. The events of 2018 were entirely out of man's control. As is clearly reported in the CCR conducted by the Regional Office of the MoEF, sufficient garland drains have been provided to channelize the storm water. All possible measures to control the flow of water have



been taken by the project proponent. The events that took place in 2018 cannot be made the basis to assess the revalidation of an environmental clearance.

21. It is also to be pointed out that the document dated 05.11.2018 issued by the 4th Respondent has been wrongly interpreted by the Appellant. The translation provided states that the pond is located in an area which has an inclination of more than 80°. The same is not correct. The letter only stated that the area where quarrying was being conducted has an inclination of more than 80°. The pond is not situated in an inclined area. Moreover, the pond is only an abandoned quarrying pit and not a natural pond as is projected. It is also curious as to how a Tahsildhar, who has absolutely no technical competence, could state as to the inclination and as to the scientific method of mining.
22. In any event, pursuant to 2018, the revenue authorities themselves have issued several certificates for production before the SEIAA in the revalidation process. True copy of the certificate dtd. 24.12.2021 issued by the Village Officer, V.Kottayam Village is produced and marked as **Exhibit R11(g)**. True copy of the certificate dtd. 17.08.2020 issued by the Village Officer, V.Kottayam Village is produced and marked as **Exhibit R11(h)**. Exts.R11(g) and R11(h) would show that the incidents of 2018 were only a spur incident.
23. Statements contained in paragraph 5 are not entirely correct and are hence denied. The statements mentioned therein have no consequence since pursuant to the judgment dated 29.08.2022 in WP(C) No. 25790/2022 on the files of the Hon'ble High Court of Kerala, the 11th Respondent has already been issued with Panchayat license valid till 31.03.2023. True



copy of the judgment dated 29.08.2022 in WP(C) No. 25790/2022 on the files of the Hon'ble High Court of Kerala is produced and marked as **Exhibit R11(i)**. It is to be noted that the Appellant herein was the 4th Respondent before the Hon'ble High Court. Quite strangely, neither WP(C) No. 25790/2022 nor Ext.R11(i) judgment has been mentioned in the memorandum of appeal. This also amounts to suppression of material facts.

24. Statements contained in paragraph 6 are not correct and are hence denied. The actual sequence of events have been elaborated in paragraphs 13 and 14 above.

25. Statements contained in paragraph 7 are also not correct and are hence denied. There has not been any suppression of facts by the 11th Respondent while applying for revalidation. The existence of the alleged Temple is also yet another interesting aspect. The Temple was constructed as recently as in 2018, by the Appellant in Appeal No. 76/2015 near to the quarrying site with the sole intention of interdicting the quarrying activity. Permission was obtained from the Panchayat by suppressing various factors. A writ petition is pending before the Hon'ble High Court of Kerala as WP(C) No. 5352/2017 against the grant of permit. The temple is only a farce created solely for the purpose of giving a communal colour to the attempt against the quarrying activity. The statement that some of the Sy.Nos. of the area which has been applied for revalidation are assigned for agricultural purposes and therefore the judgment in WP(C) No. 11249/2020 will apply is also absolutely false and hence denied. None of the areas are assigned lands. Ext.R11(g) Certificate will show that the areas are not assigned lands.



26. Statements contained in paragraphs 8 to 10 are also not correct and hence denied. There is no water tank as is alleged in the appeal memorandum. Ext.R11(h) Certificate will clearly show that there are no such structures within 200m of the area. The statements regarding pollution and damage to houses are all only figments of imagination of the Appellant.
27. The grounds raised are also untenable and hence denied. The grounds raised are mere repetition of the facts and are hence denied. The statement that the quarrying operations were conducted violating the conditions of the EC is also not correct and hence denied. Ext.R11(d) CCR clearly state that the compliance of conditions are satisfactory.
28. Appellant is not entitled for any of the reliefs claimed and the present appeal is only to be dismissed with exemplary costs to this Respondent.

Hence it is humbly prayed that this Hon'ble Tribunal may be pleased to accept this affidavit and dismiss the appeal with exemplary costs to this Respondent.

All the facts stated above are true and correct.

Dated this the 19th day of December 2022.


Deponent

Solemnly affirmed and signed before me by the literate deponent who is personally known to me on this the 19th day of December 2022 at my office in Ernakulam.


Advocate
Enoch Daniel Sivan Jacob

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Application No. 169 of 2015 (SZ)

Applicant
Gramaraksha Samithi
Rep. by its Chairman
Pramadam Grama Panchayat
Pathanamthitta
Kerala.

Respondent
Vs Ministry of Industries & Commerce
Rep. by its Secretariat
Thiruvananthapuram and others

Legal Practitioners for the applicant:
M/s. Sujith Kumar
N. Krishna Prasad &
M.R. Gokul Krishnan

Legal practitioners for respondents
Mrs. Suvitha, A.S. For R-1, R-4
R-5 and R-7
Mrs. Vidyalakshmi Vipin for R-2
Mrs. Rema Smirithi for R-3
M/s. Enoch David Simon Joel &
A. Umapathi for R8 & R9

Note of the Registry	Orders of the Tribunal
Order No.4	<p>Date: 28th October, 2016</p> <p>Learned counsel appearing for the applicant submits that in view of the Environmental Clearance (EC) obtained by the respondents 8 and 9, the applicant has got himself impleaded as additional respondent in the pending appeal challenging the E.C. and therefore the original application be dismissed as Withdrawn.</p> <p>The application is dismissed as withdrawn.</p> <p style="text-align: right;">.....J.M. (Justice M.S. Nambiar)</p> <p style="text-align: right;">.....E.M. (Shri P.S.Rao)</p>

This is the true copy of the document marked as Ex- R11(a)

Advocate

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Appeal No.76 of 2015 (SZ)
(Circuit Bench case)

In the matter of:

N.Shekharan Nair, V.Kottayam PO, Pathanamthitta Dist
Vs

1. Ministry of Environment & Forest and Climate Change
rep. By its Secretary, New Delhi
2. State Environmental Impact Assessment Authority, Kerala
- 3.The District Collector, Pathanamthitta
4. Parmadom Grama Panchayath
5. K. Sadanandan

CORAM : HON'BLE JUSTICE M.S.NAMBIAR

Present: Applicant :

Respondent No.1 : Mr.M.R.Gokul Krishnan
Respondent No.2 : Mrs.Vidyalakshmi
Respondent No.3 : Mrs.Rema Smirithi
Respondent No.4 :
Respondent No.5 :
Respondent No.7 : Mr.Sujith Kumar

Note of the Registry	Orders of the Tribunal
Item No.11	<p>Date: 4th December, 2017</p> <p>There is no representation for the appellant. Learned counsel appearing for the respondent Nos.1 to 3 are present. There is no representation for respondent Nos.4 & 5.</p> <p>List the matter for final arguments on 17.01.2018.</p> <p align="right">....., JM (Justice M.S.Nambiar)</p>

This is the true copy of the
document marked as Ext. RII(b)

Advocate

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Appeal No. 76/2015 (SZ)

N. Shekhara Nair

Applicant(s)

Versus

Ministry of Environment, Forest
and Climate Change & Ors.

Respondent(s)

Date of hearing: 13.05.2019

**CORAM HON'BLE. MR. S. P. WANGDI, JUDICIAL MEMBER
HON'BLE. MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s):

Mr. Gokul, Advocate for MoEF & CC

ORDER

1. None appears for the Appellant, although the matter was listed today vide order dated 01.04.2019. Even on that day none had appeared for the appellant. The same appears to be the position on 14.12.2018.
2. The appeal thus stands dismissed for non-prosecution.

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

This is the true copy of the
document marked as Ext. R11(c)

(Signature)
Advocate

May 13, 2019
Appeal No. 76/2015 (SZ)
HB & PU



सत्यमेव जयते

भारत सरकार
Government of India
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय, बंगलुरु - 560 034
Integrated Regional Office, Bangalore - 560 034



4th Floor, E & F- Wings, Kendriya Sadan,
17th Main Road, II Block
Koramangala.

Tel. No. 080-25635901, E.mail: rosz.bng-mefcc@gov.in

EP/12.1/2014-15/12/SEIAA/KER/ 835

Dated: 20th October, 2021

To

Sri. K. Sadanandan,
Proponent
Ampadiyil New Bungalow,
Pannivizha, MG Road, Adoor,
Pathanamthitta Dt.,
Kerala - 691 523.
E-mail : ampadiyilgroup@yahoo.com.
Website: www.ampadiyil.com.

Subject: Environmental clearance for the proposed building stone quarry project at V-Kottayam Village, Konni Taluk, Pathanamthitta District, Kerala by M/s. Sri. K. Sadanandan - Certified Compliance Report (CCR) -reg.

Ref. No.: i. No. 200/SEIAA/EC4/86/2014 dated 10th August, 2015.
ii. Your letter dated 06.04.2021, 16.04.2021 and 19.08.2021.

Sir,

This has reference to your letter vide dated 6th April, 2021 requesting for Certified Compliance Report (CCR) for the above-mentioned project. It is informed that the project was monitored on 28th July, 2021 by this office. The compliance to the various conditions of environment clearance is Satisfactory. The copy of the report is enclosed for reference.

These issues with approval of Competent Authority.

Enclosed: As above.

Yours faithfully,


(Dr. S. Prabhu)

Scientist - C/ Dy. Director(S)



GOVERNMENT OF INDIA
Ministry of Environment, Forest and Climate Change
Integrated Regional Office
Bangalore-34

MONITORING REPORT

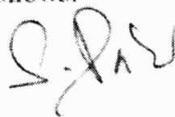
PART - I

F. No. EP/12.1/2014-15/12/SELAA/KER

- | | | |
|---|------------------------------------|--|
| 1 | Name of the project | Environmental clearance for the proposed building stone quarry project at V-Kottayam Village, Konni Taluk, Pathanamthitta District, Kerala by M/s. Sri. K. Sadanandan - reg. |
| 2 | Clearance letter No.& date | No. 200/SELAA/EC4/86/2014 dated 10 th August, 2015. |
| 3 | Location: District & State / UT | V-Kottayam Village, Konni Taluk, Pathanamthitta District, Kerala. |
| 4 | Address for correspondence: | Sri. K. Sadanandan , Proponent
Ampadiyil New Bungalow,
Pannivizha, MG Road, Adoor,
Pathanamthitta Dt., Kerala - 691 523.
E-mail : ampadiyilgroup@yahoo.com .
Website: www.ampadiyil.com . |
| 5 | Date of site visit for this report | 28 th July, 2021 |
| 6 | Date of previous visit(s) if any | -- |

7. **Brief on the project along with the present status:** The project was inspected on 28th July, 2021 by this office. Sri. K. Sadanandan - Proponent, Mr. Jayachandra Panicker, RQP, Mr. Arun Kumar, R. - Environmental Consultant and other staffs of the project were present during the inspection.

- i. **Environmental Clearance:** The project was granted Environmental Clearance by SELAA, Kerala vide No. 200/SELAA/EC4/86/2014 dated 10th August, 2015 for the Building Stone Quarry. The total quarry lease area of project is 15.3829 Ha. Out of the total area 15.3829 Ha, 11.1004ha is Government land and remaining 4.2825 Ha is private own land. The quarrying of Building stone of total capacity is 5,13, 000 MTA per year and valid for 5 years (09.08.2020). As per the Ministry Notification number SO. 2346(E) dated 16 June 2021, the validity of EC for the projects expiring in the financial year 2020-2021 and 2021- 2022 has been extended till 31 Dec. 2021.
- ii. **Integrated consent for operation:** PA has valid consent from KSPCB granted vide letter QCO/PTA/5/R4/2021 dated 14/01/2021 and is valid up to 9th August, 2022 for discharge of effluents under the Water (Prevention and Control of Pollution) Act 1974 and Emissions under the Air (Prevention and Control of Pollution) Act 1981.
- iii. **Quarry Lease:** It was noted that PA has obtained 13 quarry leases permission form Director of Mining and Geology, Kerala for 14.93 ha of own private land and Government land at various survey numbers at V-Kottayam Village, Konni Taluk, Pathanamthitta District, Kerala. Out of 13 lease, one lease is valid up to 11th February, 2022 (vide No 3/2021-22/2766/DOPTA/M/ 2020 dated 3rd April, 2021) with quarrying capacity is 55, 970 MT.
- iv. **ENVIRONMENTAL SAFEGUARDS:** It is observed that the quarry is under operation stage. Further, it was noted form the visit as well as from the records that PA has taken several steps for environmental safeguards, as follows:

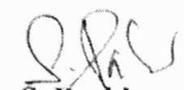




1. **Water usage:** As per information from PA, during the quarry operation, the water requirement per day was 35.3 KLD (Domestic – 1.8 KLD, Dust Suppression – 32 KLD and Green Belt – 1.5 KLD) and it was obtained from borewell for domestic and Storm water for dust suppression & green belt.
2. **Noise and Vibration Control:** The major sources of noise are from working machinery, drilling, blasting and plying of vehicles. PA has informed that to control noise, has carried out certain measures such as proper maintenance of machinery, supply and usage of personal protective devices i.e., earmuffs, ear plugs etc. by workers working in high noise areas, maintenances of wide green belt of dense foliage between mine areas and residential colonies etc. The sound levels are monitored through an NABL accredited laboratory during the quarry operation and the monitored results are well within the permissible limits. To reduce the blast vibrations, it is reported that controlled blasting technique is adopted and the maximum charge per delay is not more than 10kg to limit the PPV values to 10mm/sec.
3. **Dust Control:** It was noted that water sprinklers were used in the quarry area for the suppression of dust and a fixed water spray has been installed at the crusher unit.
4. **Green Belt Development:** Based on the site visit and as per the records submitted by PA, plantation has been carried on all internal roads and main roads of the quarry areas with plants like *Bambusa bambos*, *Artocarpus hirsutus*, *Syzygium cumini*, *Mimusops elengi*, *Delonix regia*, *Mangifera indica*. etc., According to the PA, green belt has been developed so far in about 1.7 ha with 2500 plants. Further, PA has developed green belt in own land of 07 Ha in Sy. No. 151/13.
5. **Rainwater Harvesting:** It was noted that PA has made arrangement for collection of rainwater in old mining pits (capacity 2,50,000 liters. The surface runoff is channelized to the mining pit through garland drains after siltation. The rainwater is used for the plantation and dust suppression.
6. **CSR activities:** Based on the records, PA has donated Rs. 1,01,40,964/- under Corporate Social commitment on surrounding villages from 2015 to 2020 for various activities like development of school infra structure, construction of bus shelter, Rs. 5 lakhs to Kerala Chief Ministers Disaster Relief Fund etc., Further, PA has donated Rs 1 lakh/year for panchayath Biodiversity Management Committee and all bill copies & photos evidence submitted to this office.

It was noted that PA has complied with the EC conditions like Rain water harvesting, Garland drains around quarry, Silt settling pits, sedimentation tanks, green belt developments, solar energy systems, dust controls measure form quarry area, display of blasting time signs boards, maintains of quarry bench height, regular monitoring of Ambient Air, noise and water and advisement about grant of EC etc. PA has submitted six monthly EC compliance report, obtained all statutory clearance from various departments.

The project proponent now intends to go for validity extension of EC from SEIAA, Kerala and hence has sought the certified compliance report. Based on the records, observation during the inspection and information provided by PA a detailed compliance report is prepared. The status of compliance to the conditions stipulated in the environmental clearance is Satisfactory.


Dr. S. Prabhu
 Scientist 'C'

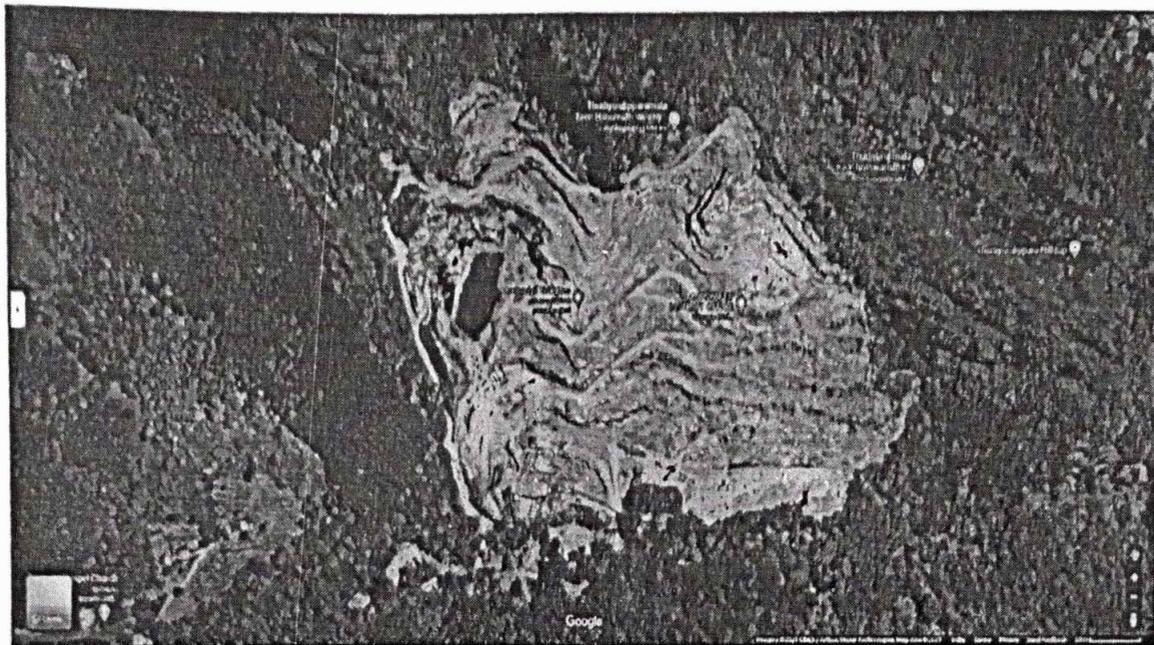


Fig. 1. Google Earth Image of the project site.

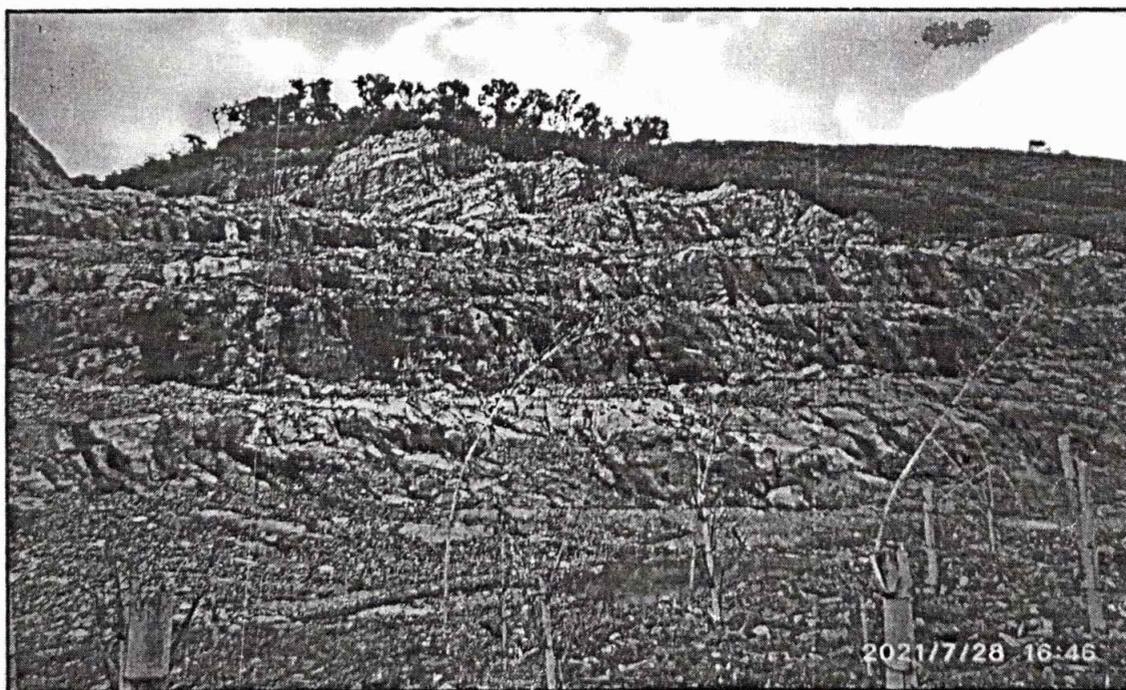


Fig. 2. View of Quarry site.

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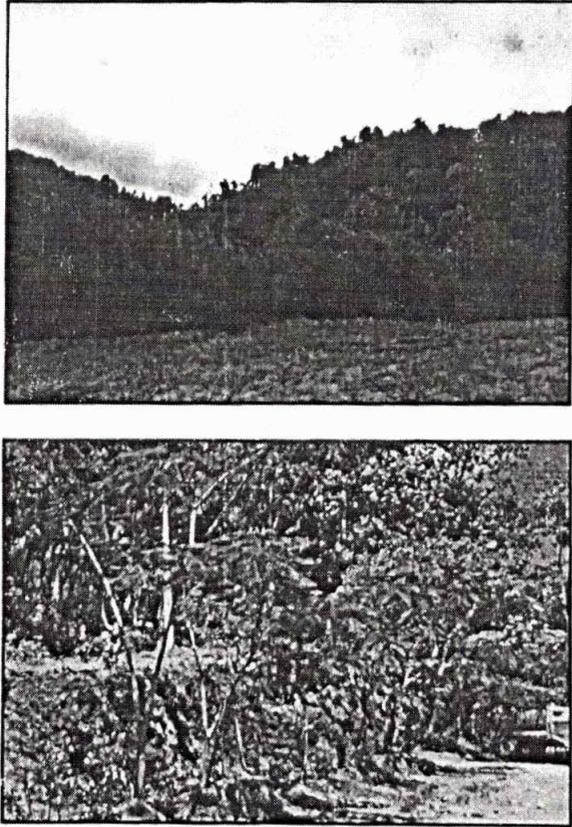
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Part-II – Compliance status in details

Sl. No.	EC conditions	Compliances
SPECIFIC CONDITIONS:		
1	Blasting to be limited to predefined times and not more than 2 times a day.	Complied. Based on the records and as informed by PA, blasting is strictly done two times between 10 am to 11 am and 3.0 to 4.0 pm.
2	Ultimate depth of mining to be defined by the stream bed. But it must be reported with reference to MSL.	Complied As per the record's, highest elevation is 180 MSL, lowest elevation is 120 MSL. During visit, PA has informed that current production bench is at 130m MSL and nearest stream bed level observed at 102 m. Further, PA has assured that they will not interrupt the Stream bed level.
3	Reclamation and eco-restoration should be done by planting indigenous tree species.	Complied As per the Mine closer plan, PA has proposed various activities like., 1.1 ha for water pond, 3 ha for backfilling of the dump material, 0.9 ha for over dump plantation and 1.7 ha retained as Green belt with indigenous tree species. It was observed that plantation has been carried on all internal roads and main roads of the quarry areas with plants like <i>Bambusa bambos</i> , <i>Artocarpus hirsutus</i> , <i>Syzygium cumini</i> , <i>Mimusops elengi</i> , <i>Delonix regia</i> , <i>Mangifera indica</i> . etc According to the PA, green belt has been developed so far in about 1.7 ha with 2500 plants. Further, PA has carried out afforestation in (Own land) 07 Ha in Sy. No. 151/13 has been afforested with additional plantation.
GENERAL CONDITIONS:		
1	Rain Water Harvesting capacity should be installed as per the prevailing provisions of KMBR/KPBR, unless otherwise specified elsewhere.	Complied It was noted that PA has made arrangement for collection of rainwater in old mining pits (capacity 2,50,000 liters.) The surface runoff is channelized to the mining pit through garland drains after siltation. The rainwater is used for the plantation and dust suppression.

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2	<i>Environment monitoring cell as agreed under the affidavit filed by the proponent should be formed and made functional.</i>	<p>Complied.</p> <p>Based on the records PA has established an environment monitoring cell to look after the environmental management and Mr. K. Sadanandan is head of the cell.</p>
3	<i>Suitable avenue trees should be planted along either side of the tarred road and open parking areas, if any, inclusive of approach road and internal roads.</i>	<p>Complied.</p> <p>Based on the site visit and as per the records submitted by PA, plantation has been carried on all internal roads and main roads of the quarry areas with plants like <i>Bambusa bambos</i>, <i>Artocarpus hirsutus</i>, <i>Syzygium cumini</i>, <i>Mimusops elengi</i>, <i>Delonix regia</i>, <i>Mangifera indica</i>. etc According to the PA, green belt has been developed so far in about 1.7 ha with 2500 plants. Further, PA has developed green belt in own land of 07 Ha in Sy. No. 151/13.</p> <div style="text-align: center;">  </div> <p style="text-align: center;">Fig.3. Green belt at project area.</p>
4	<i>Maximum possible solar energy generation and utilization shall be ensured as an essential part of the project.</i>	<p>Complied.</p> <p>As observed, PA has installed 10 solar lights in common areas and internal roads.</p>

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5	Sprinklers shall be installed and used in the project site to contain dust emissions.	<p>Complied.</p> <p>During the visit, it was noted that PA has installed 16 Nos of sprinklers in the quarry area and two water tanker vehicles along with sprinklers for the purpose of dust suppressions at internal roads.</p>
6	Eco-restoration including the mine closure plan shall be done at the own cost of the project proponent.	<p>Complied.</p> <p>PA has submitted a copy of mine closure plan along with eco- restoration to this office and assured that they follow the same.</p>
7	At last 10 percent out of the total excavated pit area should be retained as water storage areas and the Remaining area should be reclaimed with stacked dumping and overburden and planted with indigenous Plant species that are eco-friendly.	<p>Complied.</p> <p>During the visit, PA has informed that they follow the mine closure plan and assured to retain ten percent of total excavated pit area for rainwater harvesting.</p>
8	Corporate Social Responsibility (CSR) agreed up on by the proponent should be implemented.	<p>Complied</p> <p>Based on the records, PA has donated Rs. 1,01,40,964/- under Corporate Social commitment on surrounding villages from 2015 to 2020 for various activities like development of school infra structure, construction of bus shelter, Rs. 5 lakhs to Kerala Chief Ministers Disaster Relief Fund etc., Further, PA has donated Rs 1 lakh/year for panchayath Biodiversity Management Committee.</p>
9	The lease area shall be fenced off with barbed wires to a minimum height of 4ft around, before starting of mine.	<p>Complied</p> <p>During the visit, it was noted that PA has provided 4ft high barbed wire/barricade fencing at all around the lease area.</p> <div data-bbox="970 1435 1257 1861" data-label="Image"> </div> <p>Fig.4. Boundary pillar with GPS and barricade fencing with metal wires.</p>

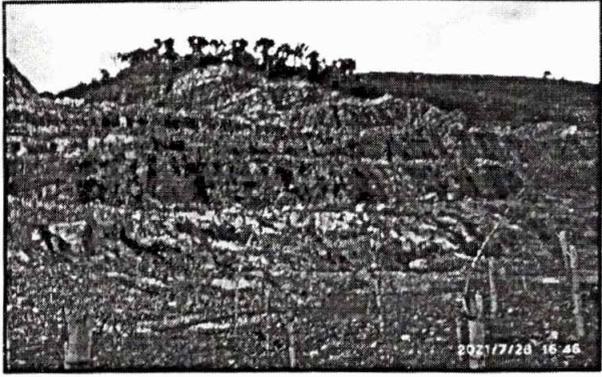
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10	<i>Warning alarms indicating the time of blasting (to be done at specific timings) has to be arranged as per stipulations of Explosive Department.</i>	Complied PA has installed one warning alarm at project site.
11	<i>Control measures on noise and vibration prescribed by KSPCB should be implemented.</i>	Complied The major sources of noise are from working machinery, drilling, blasting and plying of vehicles. Based on the records and information from PA during operation they have carried out certain measures to control noise like proper maintenance of machinery, supply and usage of personal protective devices i.e., earmuffs, ear plugs etc. by workers working in high noise areas, maintenances of wide green belt of dense foliage between mine areas and residential colonies etc. As per the records, the sound levels are monitored through an NABL accredited laboratory during the quarry operation and the monitored results are well within the permissible limits. To reduce the blast vibrations, it is reported that controlled blasting technique is adopted and the maximum charge per delay is not more than 10kg to limit the PPV values to 10mm/sec.
12	<i>Quarrying activities should be limited to daytime as per KSPCB guidelines.</i>	Complied As per the records quarry working time is 7 am to 5:30 pm and follow the KSPCB guidelines.
13	<i>Blasting should be done in a controlled manner as specified by the regulations of Explosives Department or any other concerned agency.</i>	Complied Based on the records and as informed by PA blasting is strictly done two times between 10 am to 11 am and 3.0 to 4.0 pm and they followed regulations of Explosives Department.
14	<i>A licensed person should supervise/control the blasting operations.</i>	Complied Based on the information / records submitted by PA, Shri. Umesh Kumar Prasad is the licensed person in mining operations.
15	<i>Access roads to the quarry shall be tarred to contain dust emissions that may arise during transportation of materials.</i>	Complied It was observed that haulage road is maintained in motorable conditions and the access roads are tarred.
16	<i>Overburden materials should be managed within the site and the old quarries, if any, should be restored.</i>	Complied PA has stored topsoil alongside of retaining wall at the site.

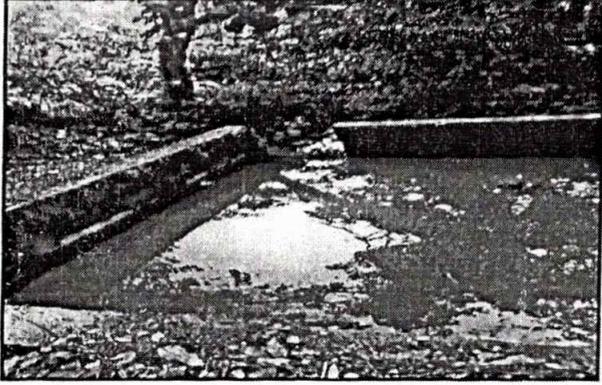
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17	<i>Height of benches should-not exceed 5m and width should not be less than 5m.</i>	<p>Complied.</p> <p>PA has provided the required bench and slope in the mine area.</p>  <p>Fig.5. Hight of the bench at the quarry area.</p>
18	<i>Mats to reduce fly rock blast to a maximum of 10PPV should be provided.</i>	<p>Complied</p> <p>Based on the records, they are using blasting mats, NONEL technology for control of fly rocks during the time of blasting.</p>
19	<i>Maximum depth of mining form general ground level at site shall not exceed 10 m.</i>	<p>Complied</p> <p>Please refer specific conditions No – 2.</p>
20	<i>No mining operations should be carried out at places having a slope greater than 45°</i>	<p>Complied.</p> <p>PA informed that initially, the mining activities were carried out based on Short Term Permit (STP) issued by Department of Mining and Geology, Kerala which did not prescribe any bench and slope. Thereafter, PA has obtained EC from SEIAA and followed the slope patten.</p>
21	<i>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 CPCB/KSPCB.</i>	<p>Complied</p> <p>During the visit, it was noted that PA has provided acoustic enclosures at crushers unit and DG sets. Based on the records, Noise levels are within the prescribed limits.</p>
22	<i>The workers on the site should be provided with the required protective equipment's such as ear muffs, helmet, etc.</i>	<p>Complied</p> <p>During the visit, it is noted that workers using helmet, ear muffs and other PPEs.</p>
23	<i>Garland drains with clarifiers to be provided in the lower slopes around the core area to channelize storm water.</i>	<p>Complied</p> <p>It was noted that garland drains are provided to channelize the storm water to the RWH pond. The</p>

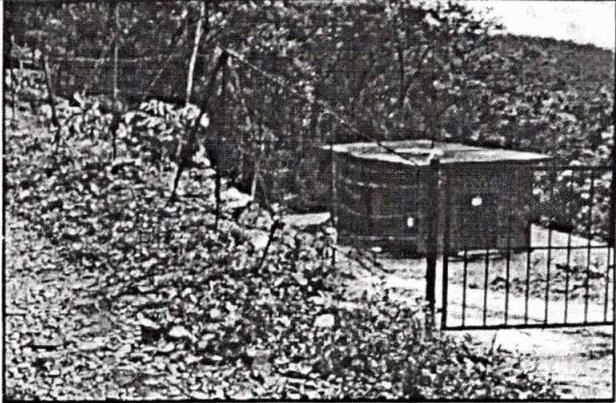
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		<p>collected water, after passing through the de-siltation tanks is used for dust suppression and plantation, excess if any is let into the mainstream. Further, PA has made arrangement for collection of rainwater in to the RWH pond as it converted an old pit in the project area. Rainwater is used for sprinkling on haulage road for dust suppression and also for the plantation.</p> <p>Clarified water after passing through Silt Traps having dimension of each tank is 2.5 x 2 x 2 m only let into the Natural Drainage.</p>  <p>Fig.6. Silting tank at project area.</p>
<p>24</p>	<p><i>The transportation of minerals should be done in covered trucks to contain dust emissions.</i></p>	<p>Complied It was noted that transportation vehicles are covered with tarpaulin.</p>
<p>25</p>	<p><i>The proponent should plant trees at least-5 times of the loss that has been occurred while clearing the land for the project.</i></p>	<p>Please refer the conditions No. 3.</p>
<p>26</p>	<p><i>Disposal of spent oil form diesel engines should be as specified under relevant Rules / Regulations.</i></p>	<p>Complied As per the information from PA, they have handed over spent oils to KSPCB authorized persons.</p>
<p>27</p>	<p><i>Explosives should be stored in magazines in isolated place specified and approved by the Explosives Department.</i></p>	<p>Complied. It was observed that explosives are stored in magazines in isolated place.</p>

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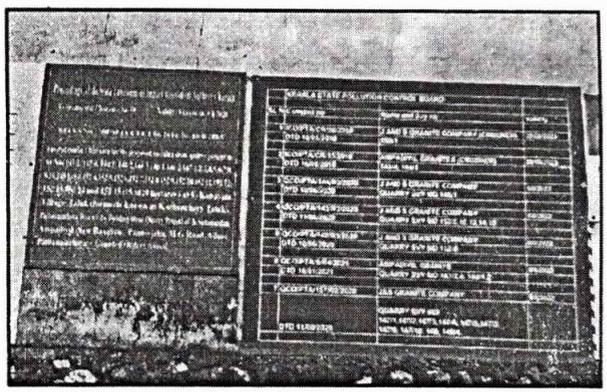
		
		Fig.7. Explosives stored in isolated place.
28	A minimum buffer distance of 100m from the boundary of the quarry to the nearest dwelling unit or other structures, not being any facility for mining shall be provided.	<p>Complied.</p> <p>It was observed that no dwelling units within the distance of 100m from the boundary of the quarry.</p>
29	200 m buffer distance should be maintained from forest boundaries.	<p>Complied</p> <p>Based on the records and information from PA, there are no forest area near the quarry.</p>
30	Consent from Kerala State Pollution Control Board under Water and Air Act(s) should be obtained before initiating activity.	<p>Complied</p> <p>PA has obtained Integrated consent for operation (For Quarry) from KSPCB vide letter QCO/PTA/5/R4/2021 issued 14/01/2021 and is valid up to 9th August, 2022 for discharge of effluents under the Water (Prevention and Control of Pollution) Act 1974 and Emissions under the Air (Prevention and Control of Pollution) Act 1981.</p>
31	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.	<p>Complied</p> <p>PA has obtained the following Clearances:</p> <ol style="list-style-type: none"> 1. NOC from Panchayath License no: Panchayath License - LA No 449/2021 in appeal no: 194/2021 valid till 15/04/2021. 2. License from the Petroleum and Explosive Safety organization for possession for use of explosives from magazine (License No: E/SC/KL/22/556 (E21408) dt 13/03/2019 valid till 31/03/2024. 3. Quarry Permit Renewed from Department of Mining and Geology P. No. 3/2021-22/2766/DOPTA/M/2020 date 03-04-2021 valid till 11-02- 2022.

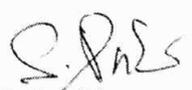
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		4. Non-objection certificate from District Collector reg renewal of quarry lease.
32	<i>In the case of any change(s) in the scope of the project the project would require afresh appraisal by this Authority.</i>	PA is aware of this EC Condition.
33	<i>The Authority reserves the right to add additional safeguard if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment(Protection) Act, 1989 to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.</i>	PA is aware of this EC Condition.
34	<i>The stipulation by statutory Authorities under different Acts and Notification should be complied with, including the provisions of Water (Prevention and Control of Pollution) Act, 1974 , the Air (Prevention and control of Pollution) at 1981, the Environment (Protection) Act, 1986, the Public Liability (Insure acne) Act, 1991 and EIA Notification, 2006.</i>	PA is aware of this EC Condition.
35	<i>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 Department of Environmental and Climate Change, Govt. of Kerala and may also be seen on the website of the Authority at www.seiaakerala.org.in 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 the Authority as confirmation.</i>	Complied PA have published the advertisement on ' The Hindu" (English Daily) on 23/09/2015 and Mathrubhoomi (Malayalam Daily) on 23/09/2015.
36	<i>A copy of the clearance letter shall be sent by the proponent to concerned Grama Panchayat /District Panchayat/Municipality/ Corporation /Urban Local Body and also to the Local NGO, if any from whom suggestion / representations, if any were received while processing the proposal. The Environmental Clearance shall also be put</i>	Complied According to PA, a copy of EC has been forwarded to the Secretary, Valliokode Kottayam panchayath and displayed in the website www.ampadiyil.com .

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	on the website of the company by the proponent.	
37	The Proponent shall submit half yearly reports on the status of compliance of the stipulated EC conations including results of monitoring data (both in hard copies as well as be e-mail) and upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the respective Regional Office of MoEF, Govt. of India and also the Directorate of Environmental and Climate Change, Govt. of Kerala.	<p>Complied.</p> <p>PA is aware of this EC Condition and six-monthly reports are being submitted to this office and uploaded on their website. Website link: http://www.ampadiyil.com/certificates.html.</p>
38	The details of Environmental Clearance should be prominently displayed in a metallic board of 3ft.x3 ft with green back ground and yellow letters of Times New Roman font of size of not less than 40. Signboard with extent of lease area and boundaries shall be depicted at the entrance of the quarry, visible to the public.	<p>Complied</p> <p>Noted that PA has prominently displayed details of Environmental Clearance in a metallic board at Main gate of the company.</p>  <p>Fig.8. Display Board at project area.</p>
39	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.	<p>Complied</p> <p>PA has informed that affidavit was submitted to DEIAA, Ernakulam.</p>
40	The above conditions shall prevail not with standing anything to the contrary, in consistent, or simplified, contained in any other permit, license on consent given by any other authority for the same project.	<p>Complied</p> <p>PA is aware of this EC Condition</p>


Dr. S. Prabhu
 Scientist - C/ Dy. Director (S)

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 Advocate

MINUTES OF THE 126th MEETING OF THE SEAC KERALA HELD FROM 11TH TO 13TH APRIL, 2022 IN CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM

The 126th meeting of the SEAC, KERALA was held on 11th -13th April, 2022. The meeting started at 10.30 AM on 11th April, 2022. Dr.Ajayakumar Varma, Chairman, SEAC Kerala chaired the meeting. The Committee took the following decisions;

126.01: Noting of minutes of the 125th SEAC meeting held on 18th & 19th March, 2022

Decision: Noted & Approved with a correction that instead of first and last Friday and Saturday SEAC meetings will be scheduled generally on *every first and third Friday and Saturday*. The modified decision will read as;

1. "The Committee took note of OM F No. 22-35/ 2020-IA. III (E 144325) dated 29th October 2021 of MoEF& CC regarding conducting meetings and decided to hold two meetings in a month, i.e., on the first Friday and Saturday and third Friday and Saturday of each month generally ensuring that the interval between two meetings doesn't exceed 15 days."

126.02 Environmental Clearance for the proposed building stone quarry in Re-Survey No. 498/2, 498/3, 499/3, 499/4 in Chalavara Village, Ottapalam Taluk, Palakkad District, Kerala by Mr. Paul.K.T., Managing Director, M/s K.T.Crusher's & Aggregates Pvt. Ltd. (File No. 1260/EC2/2019/SEIAA)

Decision: The proponent along with RQP were present for the hearing. The Proponent and RQP, Sri. Zakkir explained their versions of the observations that led to the rejection of the project and also submitted that the field inspection was constrained by severe rain. The Committee entrusted Dr.R. Ajayakumar Varma, Dr. A.V Ragu & Dr. K. Vasudevan Pillai for field verification and report.

126.03 Rejected the Environmental Clearance for Granite building stone quarry Project at Re.Sy.Block No.2, Re.Sy.No.114pt in Chekkyad Village, Vadakara Taluk, Kozhikode District, Kerala (SIA/KL/MIN/140734/2020) {1429/EC3/2019/SEIAA}

Decision: The proponent and Consultant, Sri. Milan were present. The Committee heard the clarification provided by the proponent and Consultant. The clarifications were not satisfactory to the committee. The proponent requested an opportunity to revise the proposal by excluding the fragile areas with a revised mining plan. The committee agreed with the request of the proponent subject to the concurrence of SEIAA.



the field inspection report and decided to recommend EC for a project life of 2 years with the following specific conditions in addition to the general conditions.

1. Measures incorporated in the CER should be implemented in total during the first year and maintained during the subsequent year.
2. The approach road should be widened to 7.5m as agreed by the proponent prior to the commencement of mining.
3. Compensatory afforestation should be done during the 1st year itself and the coordinates of the area with geotagged photos shall be submitted in HYCR.

126.14 Environmental Clearance for the quarry project in Sy.No. 1244/1 (pt) at Killanur Village, Thrissur Taluk, Thrissur District by Sri.Dineshmon N.T, M/s.Rudra Granites – Judgment dated 26.03.2021 in WP(C) No.8023 of 2021 - Revalidation of EC (File No.823/SEIAA/EC1/2977/2015)

Decision: SEIAA in its 112th meeting directed SEAC to examine and decide on the project life with adequate justification. The committee examined the joint committee report and it is noticed the district geologist has requested Tahsildar (LA) Thrissur, to measure the quarried area for quantifying the excess extracted granite building stone from the area. The Committee decided to seek a copy of the report from the District Geologist.

126.15 Environmental Clearance for the building stone quarry project in Survey Nos. 51/3 (p), 53/1 (p), 53/2 (p), 54/3 (p), 54/4 and 54/5 at Urangattiri Village, Ernad Taluk, Malappuram District, Kerala – Judgment dated 03.08.2021 in WP(C) No.15431 of 2021 - Revalidation of EC (File No.437/SEIAA/EC1/2997/2014)

Decision: The Committee examined the documents submitted by the proponent and decided to invite the proponent for a presentation.

126.16 Environmental Clearance for the building stone quarry project in V-Kottayam Village, Konni Taluk, Pathanamthitta District of Sri.Sadanandan- Judgment in WP(C) No.12420/2020 regarding revalidation of EC (File No. 200/SEIAA/EC4/86/2014)

Decision: The Committee accepted the field inspection report submitted by Smt. Beena Govindan and Dr. Mahesh Mohan. As per the report of the Village Officer, V- Kottayam Village, the land in question does not come under the plantation category. The CCR received from the IRO, MoEF& CC, Bangalore is found satisfactory. Re-verification of the compliance is also satisfactory. In these circumstances, the committee decided to recommend the revalidation of EC with a project life of 10 years from the date of issuance of the original EC with the following specific conditions in addition to general conditions.

1. The growth of buffer plantations should be monitored and geo-tagged photographs are to be incorporated into the HYCR.



2. The geo-tagged photographs taken on various dates showing the outflow of water from the silt traps are to be incorporated in the HYCR.
3. Photographs with the date and time showing periodic cleaning of silt traps are to be incorporated in the HYCR.

126.17 Environmental clearance for a quarry project in Sy. Nos. 111/3 pt, 110/8, 112/4, 111/4 pt., 111/5 pt., 113/2, 112/5, 112/1-1, 112/1-2, 112/8-1, 112/8-2, 112/8-3, 112/2 and 112/7 at Koodal Village, Kalanjoor Panchayat, Adoor Taluk, Pathanamthitta District, Kerala by M/s Aswathy Granites Pvt. Ltd.— Judgment dated 11.08.2021 in WP (C) No.16371/2021 - Revalidation of EC.(File No. 147/SEIAA/KL/2748/2013)

Decision: The committee accepted the field inspection report submitted by Dr. Mahesh Mohan and Smt. Beena Govindan. The CCR received from the IRO, MoEF& CC, Bangalore is found satisfactory and it was re-verified in the field. In these circumstances, the committee decided to recommend the revalidation of EC with a project life of 10 years from the date of issuance of the original EC with the following specific conditions in addition to general conditions.

1. The growth of buffer plantations should be monitored and geo-tagged photographs are to be incorporated into the HYCR.
2. The geo-tagged photographs taken on various dates showing the outflow of water from the silt traps are to be incorporated in the HYCR.
3. Photographs with the date and time showing periodic cleaning of silt traps are to be incorporated in the HYCR.

126.18 Application for extension of Environmental Clearance issued for Granite building stone quarry project of M/s Chengalathu quarry Industries by Shri.Thomas Mathai (77/SEIA/KL/172/2013)

Decision: The committee discussed the project in detail and found that there is a requirement for a field visit to examine the compliance status. Therefore the committee decided to depute Smt. Beena Govindan & Dr.Mahesh Mohan for examining the projects in its entirety, field verification for compliance and report.

126.19 Environmental Clearance for the quarry project in Sy.No.288/1(Part) of Block No.32, Koodal Village, Konni Taluk, Pathanamthitta District, Kerala by M/s Mavanal Granites Pvt Ltd-Judgement dated 11.09.2021 in WP(C) No.16330/2021 regarding revalidation of EC (File No.81/SEIAA/KL/183/2013)

Decision: The Committee examined the proposal. The ADS is yet to be submitted. The proponent submitted a satisfactory CCR from IRO, MoEF&CC, Bangalore. A complaint is received on 11.04.22 through e-mail. The committee decided to depute

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Advocate

**MINUTES OF THE 115th MEETING OF THE STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)
KERALA, HELD ON 30th June 2022**

Present:

- 1. Dr.H.Nagesh Prabhu IFS (Retd), Chairman, SEIAA, Kerala**
- 2. Dr.V.Venu IAS, Member Secretary, SEIAA**
- 3. Sri.K.Krishna Panicker, Member, SEIAA**

The 115th meeting of the SEIAA, KERALA was held on 30th June 2022. The meeting started at 10.00 AM on 30th June, 2022. Dr. H. Nagesh Prabhu, Chairman, SEIAA Kerala chaired the meeting. Dr. Venu V. IAS, Member Secretary, SEIAA and Sri. K. Krishna Panicker, Member, SEIAA attended the meeting. The Authority considered the agenda items for the 115th meeting and took the following decisions:

Item No.115.01 **Minutes of the 114th meeting of SEIAA held on 25th, 26th May & 01st June 2022 for information**

Noted

Item No.115.02 **Action Taken Report of 113th meeting of SEIAA**

Noted

Item No.115.03 **Environmental Clearance issued for the Quarry Project in Sy.No.339/5, 339/6, 339/7, 339/7-2, 339/7-3, 339/7-4, 339/7-5, 339/7-6, 339/7-7, 339/14, 339/15, 339/16, 339/17, 339/18, 339/19, 339/20,**

distance is only 79m between the eastern edge of the DTPC building and Project boundary

- iv. As per general condition no 28, a minimum buffer distance of 100 m from the boundary of the quarry to the nearest dwelling unit or other structures, not being any facility for mining shall be provided, is not maintained and as per report of the Village Officer, the distance to the nearest house is 90 m only.
3. If the Proponent desires to apply for revalidation of EC, he has to comply with all the relevant observations made in the Joint Committee report submitted to Hon'ble NGT and SEAC shall consider the application only after a field inspection to ensure the compliance of all EC conditions and the observations of Joint Committee.

Item No.115.09 **Environmental Clearance for the Building Stone Quarry Project in Sy. Nos. 147/1, 2, 3, 4, 5, 8, 9, 10, 148 & 149/4 in V-Kottayam Village, Konni Taluk, Pathanamthitta District of Sri. K. Sadanandan - Judgment in WP(C) No.12420/2020 regarding revalidation of EC (File No. 200/SEIAA/EC4/86/2014)**

The Authority verified the item and noted the decisions of various SEAC meetings held on different dates, CCR from the RO, MoEF&CC and the field inspection report of the Sub-Committee. The Authority observed that the SEAC has conducted field visits twice to assess the compliance status of the EC and the conditions stipulated in its 124th SEAC meeting. In 126th SEAC meeting, the Committee has recommended to revalidate the EC with a project life of 10 years from the date of issuance of original EC (10.08.2015).

The Authority decided to revalidate the EC with a project life of 10 years from the date of issuance of original EC i.e. from 10.08.2015. The revalidation of EC is subject to Terms and Conditions in the original EC in addition to the General Conditions and the following Additional Specific Conditions.

- 1. The growth of buffer plantations should be monitored and geo-tagged photographs are to be incorporated in the HYCR.*

2. The geo-tagged photographs taken on various dates showing the outflow of water from the silt traps are to be incorporated in the HYCR.
3. Photographs with the date and time showing periodic cleaning of silt traps are to be incorporated in the HYCR.

The Authority also noticed that the mass petition received from the residents of V-Kottayam, complaint from Sri. Roy Thomas vide letter dated 14.06.2022, have already been forwarded to District Collector for enquiry report.

Item No.115.10 Environmental Clearance issued from SEIAA, Thiruvananthapuram for the Granite Building Stone Quarry in Sy No. 298 at Mupainad Village, Vythiri Taluk, Wayanad district , Kerala -Judgment in WP (C) 845/2021 filed by M.P Kuriakose - regarding the validity of EC - Judgment in WP (C) 845/2021 filed by M.P Kuriakose – File No.901/SEIAA/EC4/3462/2015)

The Authority perused the interim order of Hon'ble High Court dated 25th March 2022 in WP(C) 3286/2022, the report of District Collector dated 21.4.2022 and decided the following:

1. As per the direction of the Hon'ble Court, an opportunity of hearing may be given to the Petitioner and Respondent in the next meeting of SEIAA. Necessary intimation shall be given to the parties in this regard.
2. The report of the District Collector shall be made available to the Petitioner and the respondent before hearing and thereafter Ext P18 shall be disposed of with the suitable reply to petitioners.
3. In the meantime, the SEAC to appraise the revalidation proposal with all relevant documents on its merit and put forward its decision to SEIAA to comply with the directions of Hon'ble High Court of Kerala in various Judgements in WP(C)s including the WP(C) No.845/2021 dated.24.11.2020 filed by the Proponent.

Item No.115.11 Environment Clearance for mining lease of "Granite Building Stone Quarry of M/s. Pulpally Stone Crushers" over an extent of 2.4066 ha. (5.9467 Acres) at Re-Sy Block no. 17, Re-Sy Nos. 24/3,

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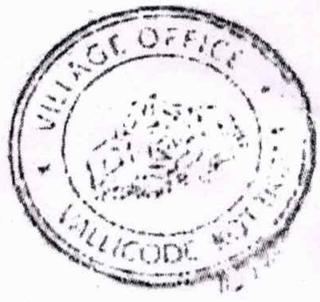
Advocate

നമ്പർ:- 565/2021(1) വില്ലേജ് ഓഫീസ്
വി. കോട്ടയം
24-12-2021

സാജ്ജ് പത്രം

പത്തനംതിട്ട ജില്ലയിൽ
തോന്നി താലൂക്കിൽ വി. കോട്ടയം
വില്ലേജിൽ ഭൂട്ടാക്ക്-31 നമ്പർ 147/1,
147/2, 147/3, 149/4, 152/6, 152/8,
152/10, 152/12, 152/14, 152/15, 146/1
നമ്പർ ഉള്ളിൽ ഉപദേശകൻ B. T. R-ൽ
പുറപ്പെട്ട ക്രമം ഭരണപ്പെടുത്തിയതും,
ടി. സരയം പരിധിയിൽ പോലീസ് സ്റ്റേഷൻ
ഉൾപ്പെട്ടിട്ടുള്ളതും വില്ലേജ്
നമ്പർ 147/1-ൽ പരിശോധിച്ചതിൽ
ടി. സരയം സ്റ്റേഷൻ ഓഫീസർമാർക്ക്
പതിയെ നൽകിയിട്ടുള്ള സ്റ്റേഷൻ
ഉൾപ്പെട്ട ക്രമം ഭരണപ്പെടുത്തിയതും
കണക്കം വിവര സാജ്ജ് പത്രം
കൊടുത്തു.

ഈ സാജ്ജ് പത്രം ഭൂമി
കൊടുത്തതിന്റെ ഉപയോഗ
അല്ലെങ്കിൽ അതിന്റെ, തിരുവനന്ത-
പുരം ഓഫീസിൽ പാസ്സാക്കുന്നതിന്
വേണ്ടി നൽകിയിട്ടുള്ളതുമാണ്.



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24/12/2021
വില്ലേജ് ഓഫീസർ
വി- കോട്ടയം

No:- 565/2021(1)

Village Office

V.
Kottayam

24.12.2021

CERTIFICATE

This is to certify that as per the village records, re-survey numbers, 147/1, 147/2, 147/3, 149/4, 152/6, 152/8, 152/10, 152/12, 152/14, 152/15, 146/1 in block 31 in V. Kottayam village in Konna Taluk in Pathanamthitta district is recorded as Garden Land in the B.T.R property. The area is not included as an 'eco sensitive zone area'. The areas is not a land which has been assigned for any special purpose.

The certificate is issued for production before the State Environment impact Assessment Authority, Thiruvananthapuram.

s.d

24.12.2021

Village office

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document marked as Ext. R11(9)


Advocate

നമ്പർ:- 315/2020.

വില്ലേജ് ഓഫീസ്
വി.കോട്ടയം
17-08-2020

സർട്ടിഫിക്കറ്റ്

പത്തനംതിട്ട ജില്ലയിൽ കോന്നി താലൂക്കിൽ വി.കോട്ടയം വില്ലേജിൽ ക്ലോസ്റ്റ്-31 നീഡർവെച്ച 148, 147/10, 147/9, 147/8, 147/5, 147/4, 147/3, 147/2, 147/1, 149/4 നമ്പരുകളിൽ ചെട്ടി 6.0980 ഹെക്ടർ സ്ഥലത്തിന്റെ ചെറുണ്ടറിയിൽ നിന്നും 200 മീറ്റർ ചുറ്റളവിൽ ത്രൈകോണാകൃതിയിലുള്ള വിട്ടുതരും, വാഹനം നശിപ്പിച്ച നോഡുകൾ, വിദ്യാഭ്യാസ സ്ഥാപനങ്ങൾ, നിധിപ്പോലീസുകൾ, നവീകരണങ്ങൾ, ഹൈടെക് ലെൻ്റ് ഉപകരണങ്ങൾ, സർക്കാർ സർക്കിറ്റാർ സ്ഥാപനങ്ങൾ എന്നെല്ലാം ഉൾപ്പെടെയുള്ള മറ്റ് വിവിധ ഉപകരണങ്ങൾ സാക്ഷ്യപ്പെടുത്തി കൊള്ളുന്നു.

ഈ സർട്ടിഫിക്കറ്റ് തിരുവനന്തപുരം ഗവണ്മെന്റ് ഓഫ് ജിയോളജി സയൻസുകളിൽ പാസ്സായ ജൂനിയർ വേണി നൽകിയിട്ടുള്ളതിനെ



17/08/2020
വില്ലേജ് ഓഫീസർ
വി - കോട്ടയം

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37

EXT. R11(h)/2

No.:-315/2020

Village Office
V. Kottayam
17-08-2020

CERTIFICATE

This is to certify that there are no residential houses, roads which are being used for vehicular traffic, educational institutions, reservoirs, railway lines, high-tension electric lines, government or non-governmental institutions within 200-metres of the boundary of 6.0980 hectares of land in the following resurvey no.s 148, 147/10, 147/9, 147/8, 147/5, 147/4, 147/3, 147/2, 147/1, 149/4 of block 31, of V Kottayam Village, Konni taluk, of Pathanamthitta district.

This certificate is issued for producing before the Mining and Geology Directorate, Thiruvananthapuram.

Sd

17-08-2020
Village Office
V-Kottayam

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Advocate

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 29TH DAY OF AUGUST 2022 / 7TH BHADRA, 1944

WP(C) NO. 25790 OF 2022

PETITIONER/S:

M/S. J & S GRANITES COMPANY
MUPPRAMON, V-KOTTAYAM P.O.,
PATHANAMTHITTA.
REPRESENTED BY ITS MANAGING PARTNER,
SRI. K. SADANANDAN.
, PIN - 689565
BY ADVS.
ENOCH DAVID SIMON JOEL
S.SREEDEV
RONY JOSE
LEO LUKOSE
CIMIL CHERIAN KOTTALIL

RESPONDENT/S:

- 1 PRAMADOM GRAMAPANCHAYAT
LAKKOOR, MALLASSERY P.O.,
PATHANAMTHITTA.
, PIN - 689646
- 2 SECRETARY
PRAMADOMGRAMA PANCHAYAT,
LAKKOOR, MALLASSERY P.O.,
PATHANAMTHITTA.
, PIN - 689646
- 3 ADDL.R3. AJI K.
AGED 55 YEARS, PRESIDENT, THUDIYURILIPPARA
DEVASWOM, S/O.KUNJU KUNJU A.K., KANJIRAPPARA,
VALLIKKODU KOTTAYAM, V-KOTTAYAM P.O.,
PATHANAMTHITTA - 689656
- 4 ADDL.R4. ROY THOMAS
AGED 55 YEARS, S/O.THOMAS JOSHUA, CHAIRMAN,
GRAMA REKSHA SAMITHI, V KOTTAYAM P.O.,
PATHANAMTHITTA - 689 656. [ADDITIONAL R3 & R4
ARE IMPEADED AS PER ORDER DATED 25.08.2022 IN
I.A.1/2022 IN WP(C)25790/2022.]

W.P.(C). No. 25790 of 2022

BY ADVS.
JACOB P.ALEX
BOBY THOMAS
JOSEPH P.ALEX
MANU SANKAR P.
AMAL AMIR ALI
RESHMI JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 29.08.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



P.V.KUNHIKRISHNAN, J.

W.P.(C) No. 25790 of 2022

Dated this the 29th day of August, 2022

JUDGMENT

The above writ petition is filed with following prayers:

“i. Issue a writ of certiorari or other appropriate writ, order or direction calling for the records leading to Ext.P7 and quash the same.

ii. Issue a writ of mandamus or other appropriate writ, order or direction directing the 2nd respondent to issue D&O licence to the petitioner for carrying out quarrying activities in the light of the statutory clearances.

iii. 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.

iv. Issue such other appropriate order or direction dispensing with the filing of English translation of the vernacular documents produced along with the writ petition.”

2. The petitioner obtained licence for operating a quarry and a consent issued by the Pollution Control Board.

W.P.(C). No. 25790 of 2022

The petitioner also obtained Environmental Clearance Certificate from the SEIAA. Now the Panchayat, as per Ext.P7, rejected the application for D&O licence stating that there will be ecological imbalance and environmental degradation. Aggrieved by the same, this writ petition is filed.

3. Heard the counsel for the petitioner and the counsel appearing for the Grama Panchayat. I also heard the counsel appearing for additional respondents 3 and 4.

4. It is an admitted fact that the petitioner is having licence for operating the quarry including a consent issued by the Pollution Control Board, as well as the environmental clearance certificate issued by the SEIAA. Now, as per Ext.P7, the Panchayat rejected the application for D&O licence only for the reason that there is a possibility of ecological imbalance and environmental degradation. A Full Bench of this Court in



Tomy Thomas v. State of Kerala [2019 (3) KLT 987]

observed like this:

“24. As mentioned in the foregoing paragraphs, the amendments specified above were introduced through the Kerala Investment Promotion and Facilitation(No.2) (Act 14/2018). The object of introducing such an Act, as specified therein, is intended to give effect to certain proposals of the Government of Kerala to avoid delay in granting various licences/permissions, approvals and clearances required under-various enactments. Therefore the intention of the legislature to bring such drastic amendment is clear and explicit. Hence it is to be observed that, from the date of enforcement of the amendments from 20th October, 2017, it cannot be said that Village Panchayats have got primacy of power to take an independent decision to reject the applications for permission/licence under provisions of the Act and the Licensing Rules, for construction Tomy Thomas v. State of Kerala (C.K.Abdul Rehim, J.) (F.B.) or for establishment of any factory workshop or work place. On the other hand, the Grama Panchayats (Village Panchayats) are obliged to grant permissions in cases where the authorities mentioned under S.233 of the Act had issued such permissions or consents or no-objection certificates. Even if the panchayat is of the opinion that the construction or establishment of the

factory, workshop or workplace is objectionable by reason of high density of population in the neighbourhood and is likely to cause nuisance, then also the panchayat can only obtain expert opinion from the department concerned and it is obliged to issue permission for such construction or establishment subject to such conditions as may be required for abatement of the nuisance, if any, as may be recommended in the expert opinion of the concerned department.

25. Under the above mentioned circumstances the reference is answered by upholding the view taken in Ramapuram Grama Panchayat (supra) as the correct law. But we make it clear that the legal position has been changed by virtue of the amendments as mentioned above and the Village Panchayats do not enjoy any primacy of their power to refuse the applications seeking permission for construction or establishment of any factory workshop or workplace, under S.233 of the Kerala Panchayat Raj Act, on and from the date of enforcement of the amendments."

(underline supplied)

In the light of the above dictum laid down by the Full Bench of this Court, according to me, Ext.P7 will not stand. A perusal of Ext.P7 would show that the Panchayat rejected D&O



licence mainly for the reason that there is ecological imbalance and environmental degradation. It is also stated that there is a temple and water tank near the vicinity. The statutory authorities already granted permission to the petitioner. If the Panchayat or the affected parties are aggrieved by the same, they are free to approach the statutory authority. For that reason the Panchayat has no authority to reject the D&O application, in the light of the Full Bench decision in **Tomy Thomas case** (supra). Therefore, Ext.P7 is to be set aside.

Therefore, this writ petition is allowed in the following manner:

1. Ext.P7 is set aside.
2. The 2nd respondent is directed to renew the application submitted by the petitioner by imposing appropriate conditions, in accordance to law, if the application is otherwise in order.

3. The Panchayat and other affected parties are free to approach the statutory authority, if they are aggrieved by the licence and permit issued to the petitioner.

4. The 2nd respondent will complete the above exercise, as expeditiously as possible, at any rate, within two weeks from the date of receipt of a copy of this judgment.

sd/-

P.V.KUNHIKRISHNAN
JUDGE

das



APPENDIX OF WP(C) 25790/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE LETTER OF INTENT DTD. 24.06.2019 ISSUED TO THE PETITIONER BY THE DIRECTOR OF MINING AND GEOLOGY.
- Exhibit P1(a) TRUE COPY OF THE LETTER DATED 26.02.2022 ISSUED BY THE DIRECTOR OF MINING AND GEOLOGY
- Exhibit P2 TRUE COPY OF THE CONSENT VALID TILL 09.08.2025 ISSUED BY THE POLLUTION CONTROL BOARD.
- Exhibit P2(a) TRUE COPY OF THE EXPLOSIVE LICENSE ISSUED TO THE PETITIONER.
- Exhibit P2(b) TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE DTD. 10.08.2015 ISSUED BY THE SEIAA.
- Exhibit P2(c) TRUE COPY OF THE ORDER DTD. 26.07.2022 ISSUED BY THE SEIAA
- Exhibit P3 TRUE COPY OF THE TRADE LICENSE DATED 04.04.2022 ISSUED BY THE 2ND RESPONDENT .
- Exhibit P4 TRUE COPY OF THE ORDER DATED 16.05.2022 ISSUED BY THE 2ND RESPONDENT
- Exhibit P5 TRUE COPY OF THE JUDGMENT DATED 06.07.2022 IN WP(C) NO. 20898/2022 ON THE FILES OF THIS HON'BLE COURT .
- Exhibit P6 TRUE COPY OF THE APPLICATION DATED 06.08.2022 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- Exhibit P7 TRUE COPY OF THE ORDER DATED 08.08.2022 BEARING NO. 400373/RPPR05/GPO/2022/1687(7) ISSUED BY THE 2ND RESPONDENT .
- Exhibit P8 TRUE COPY OF THE CERTIFICATE DATED 17.08.2020 ISSUED BY THE VILLAGE OFFICER, V. KOTTAYAM VILLAGE.

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document marked as Ext. R 11(i)

Advocate