

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI

APPEAL NO. 05 OF 2022 [sz]

A.K. Shaji

:: Appellant

M.O.E.F & CC.
and others

:: Respondents

**Reply of the 5th Respondent to the Rejoinder &
Additional Rejoinder filed by the Appellant**

Filed on : 12.10.2022

M/s. B.G. Bhaskar
K.R.Harin
Advocates

Counsel for the 5th Respondent

**Before the Honorable National Green Tribunal
Southern Zone, Chennai**

Appeal No. 5 of 2022

Shaji. A. K.

Appellant

Vs.

MoEF & CC and 4 others

Respondents

**REPLY OF 5th RESPONDENT TO THE REJOINDER & THE
ADDITIONAL REJOINDER FILED BY THE APPELLANT**

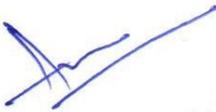
I, Arun S. Babu, aged 34, son of Suresh Babu, Senior Architect, Landmark Builders & Developers (India) Pvt. Ltd, having my office at Landmark World, NH-17 Bypass, Kozhikode, and presently come down to Chennai, do hereby solemnly affirm and state as follows:

1. I am the authorised representative of the 5th Respondent in charge of this case. I am conversant with the facts of the case and as such I am competent to swear and depose this affidavit
2. The appellant has filed his Rejoinder and also an Additional Rejoinder with additional documents, which was filed after the adjournment of the hearing of the case on 6.09.2022 with a prayer to take the same of record. The request to file additional rejoinder deserves to be dismissed for the following reasons:



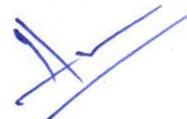
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3. The appeal is against the order dated 21.05.2020 of the second respondent, granting environmental clearance for the township project of R5. The additional documents produced as Annexures A.12 and A.13 with the additional rejoinder have come into existence after the grant of the EC and hence are irrelevant, in determining the validity of the EC.
4. Further it is seen from 114th Minutes of the Meeting of R3 SEAC, produced as Annexure A.12 along with the additional Rejoinder, that R3 had taken up two items "out of agenda" meaning that they were not included in the agenda. Apart from the fact that taking up an item without prior inclusion in the agenda is ex facie illegal, the action is vitiated by the absence of notice to the project proponent. Any post facto discussion and decision by R3, concerning the EC granted to R5 by R2, ought not to have been done without prior notice to R5.
5. The meeting on 06/08.10.2020 says that at the 110th meeting of R3 SEAC held on 11/12.02.2020, produced herewith as Annexure R.5/13, R3 had ordered a field inspection as directed by R2 SEIAA. Annexure A.12 shows that no inspection was conducted as ordered at the 110th meeting before the 114th meeting. The document produced as Annexure A.13 along with the Additional Rejoinder is the Inspection report dated 9.02.202, and the onsite inspection has actually been conducted only on 20.01.2021
6. Without getting the inspection report, R3 had no business to consider the orders of the SEIAA again at its 114th


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meeting and record unwarranted comments about the building of R5. I am advised that the SEAC is subordinate to the SEIAA, as the latter has power to differ from the SEAC; the role of the SEAC is advisory and the decision making authority is R2.

7. The copy of the A.13 inspection report produced does not bear any date. Actually the report, was dated 09.02.2021. That report does not in any way support the two colossal blunders made by the SEAC in its "decision" at the 114th meeting : that "construction of more than one building was started by R5"; and "Moreover the entire land was modified, developed, making it difficult to assess the damage to flora and fauna, natural landscape and natural drainage systems." From where did the SEAC get these inputs ? "It was pointed out" is vagueness personified, when who pointed out, how it was pointed out and when it was pointed out are all absent.
8. Unfortunately the motivated appellant now appears to give up the main plank of his appeal – that the project proponent had violated a mandatory condition that no construction should be started after application before sanction – and latch on to this baseless sentence in the post EC meeting of R3, to contend that R5 has damaged the environment.
9. It is significant to state that at the first inspection by the same subcommittee of the SEAC [consisting of Shri Ajaykumar Varma and Shri.Krishna Panicker, who inspected the site on 03.05.2019, in the presence of the representative of R5,] as directed by the SEAC at its 95th



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meeting on 27.03.2019 [to submit a report whether the application of R5 satisfies all the required perimeters of the law], did not notice nor report any defect or shortfall in the application as such. Their report only said that R5 has started the construction of building [one and not two] which according to them was impermissible.

10. Though the report refers to land development, relating to the small area surrounding the partly constructed building, the inspecting team were unaware of the fact that R5 had secured building permit from the Panchayath, for that building of 508 SqM. Copy of the said Building Permit dated 26.10.2017 and copy of the Building Plan and the Site Plan issued and approved by the local panchayat was produced as Annexure R.5/1 & R.5/2 along with the Counter of R.5. What is most important is that the 1st Inspection Report of the year 2019 makes no reference to the land having been modified/developed "making it difficult to assess the damage to flora and fauna, natural landscape and natural drainage systems" which are the objectionable words used by SEAC in Annexure A.12.
11. When neither of the two inspection reports by the same team deputed by the SEAC, contain any such allegation, of R5 having damaged the environment, the averment in "decision" of the SEAC at the 114th meeting can only be a figment of imagination. It seems that the SEAC was making the atrocious allegations either out of their wounded ego or misplaced self importance, offended by the grant of the EC by the SEIAA overruling their untenable objection.



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12. The statement by the SEAC that the SEIAA disagreed with the recommendations of the SEAC is also unjustified. Initially agreeing with the interpretation of the SEAC that commencement of construction before sanction is fatal to the application, R2 had directed the Collector to take action against R5. Incidentally I may also point out that the Collector has no powers to take any action against the project proponent for violation of the 2006 Notification. Provisions are there to prosecute the violator in a criminal court, which have not been initiated.
13. Later, R2 on being convinced of the following true facts granted EC to R5. The true facts realised by R2 later were: [a] the semi constructed building seen by the first inspection committee was the first floor of a small structure of less than 508 SqM for which R5 had obtained a permit from the Panchayath, [b] this fact was got verified from the Panchayath authorities, [c] the construction of that building was abandoned by R5 when it decided to start a Township Project [d] and that the project proponent had not constructed any part of the township project for which Annexure A.2 application had been filed and was pending consideration for grant of EC.
14. The SEAC as a subordinate authority has no right in law to challenge or question any decision of the SEIAA, its superior authority. It is settled law that only the party affected by any procedural irregularity can challenge the same, and that such challenge will be accepted only if it caused substantial prejudice to the party. R5 is also herewith producing copies of the Minutes of the 105th

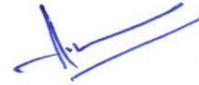

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Meeting of R2 SEIAA dated 22.10.2020, Minutes of the 116th Meeting of R3 SEAC dated 2.12.2020, Minutes of the 119th Meeting of R3 SEAC dated 23.02.2021 and the Minutes of the 108th Meeting of SEIAA dated 22.03.2021 as Annexures R.5/14,15,16 & 17 respectively.

15. In the light of the above, R.5 reiterates that all the submissions made by it in its Counter as true and correct and therefore all contrary allegations and averments made in the Rejoinder and the Additional Rejoinder are untenable and denied as false.

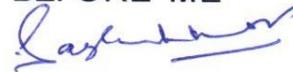
It is therefore respectfully prayed that this Honb'le Tribunal may be pleased to take on record the Reply to the Rejoinder and the Additional Rejoinder and may be further pleased to dismiss the above Appeal as the same is devoid of merits.

Solemnly and sincerely affirmed
at Chennai on this the 12th day of
October 2022 and signed his name
in my presence



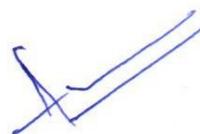
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BEFORE ME



Advocate, Chennai

(MS. 333/2000)



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Calicut Landmark Builders & Developers [India] Pvt. Ltd.

Landmark World, NH 17 Bypass, Kozhikode - 673014, Kerala, India. Tel: +91 495 2436600, 2436601

An ISO 9001:2008 COMPANY

08.10.2022

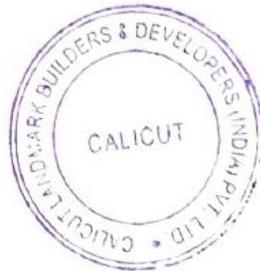
TO WHOM EVER IT MAY CONCERN

I Anvar Sadath C, Director Calicut Landmark Builders & Developers (India) Pvt. Ltd. do hereby authorize Mr. Arun S Babu to appear, represent, sign all pleadings and also give evidence on behalf of Calicut Landmark Builders in Appeal No 05/2022 pending before Hon. National Green Tribunal (SZ), Chennai.

For Calicut Landmark Builders and Developers (I) Pvt. Ltd.

Yours Faithfully

Anvar Sadath C.
(DIRECTOR)



**MINUTES OF THE 110th MEETING OF SEAC, KERALA HELD ON
11th & 12th FEBRUARY, 2020 AT THE CONFERENCE HALL,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
THIRUVANANTHAPURAM**

The meeting started at 10.00 AM. The Chairman welcomed the members. The Committee then moved on to the deliberations on the agenda items.

Item No.110.01 Minutes of the 109th SEAC meeting held on 31st January & 1st February, 2020
Noted

Item No.110.02 Minutes of the 101st SEIAA meeting held on 17th & 18th January, 2020
Noted

Item No.110.03 Presentation and Discussion of PARIVESH files

The Committee appraised the proposals in PARIVESH portal.

Item No.110.04 Application for Environmental Clearance for the proposed expansion of Quarry project at Re-survey Nos.462/01, 462/01-2, 462/02, 465/01, 465/04, 465/04-2, 465/05, 481/01-2, 481/01-1, 482/02, 482/02-2, 482/02-3, 482/04, 482/05, 482/06, 483/03, 483/04, (Patta Land), 464, 465/03, 465/08, 482/01, 482/03, (Govt. Land) in Block No.50, Kummil Village, Kottarakkara Taluk, Kollam District, Kerala by Mr.Harish.G.Nair, Managing Partner, M/s H & P Granites. (File No. 1210 (A)/EC2/2019/SEIAA)

Decision: The proponent was present. The RQP made the presentation. The proponent is directed to submit a written statement regarding the issues raised in the complaint against the proposed quarry. The evaluation of the EIA report submitted was discussed and questions were raised for clarification. The Committee observed that it is necessary to rework the project cost. The CER has also to be modified and submitted with letters from the proposed beneficiaries.

The Committee entrusted Dr.P.S.Easa and Shri.K.KrishnaPanicker for field inspection.

Mir Mohammed Ali, I.A.S
Secretary

Dr.C.Bhaskaran
Chairman

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Item No.110.18 Application for Environmental Clearance for the proposed Granite Building Stone quarry project in Survey No. 82,76 and 1 of Kottur Village, Koyilandy Taluk, Kozhikode District, Kerala over an area of 4.811 ha. by Mr. Thomas Philip (File No. 2340/A1/2019/SEIAA)

Decision: The Committee discussed the Field Inspection Report in this regard and directed the proponent to conduct an EIA study covering the impact of the proposed project on ground water, hydrology, biodiversity etc. The study should cover 500 m around the proposed mining area. The land use and land cover maps have also to be submitted.

Item No.110.19 Application for environmental clearance for mining of Ordinary Earth in Sy.No.2788/1 at Peechi Village, Thrissur Taluk, Thrissur District by Sri.A.G.John [File No.2983/EC4/2019/SEIAA]

Decision: The Committee decided to recommend the issuance of EC subject to the following specific conditions:

1. Depth of mining to be limited to 2 m
2. Total mined earth should not exceed 4,000 m³

Item No.110.20 WP (C) No.9656/2019 filed by Sri.Unnikrishnan. K.P (File No.4429/A2/2019/SEIAA)

Decision: The Committee entrusted Dr.P.S.Easa and Shri.K.KrishnaPanicker to conduct field inspection. However, the field inspection report can be given for consideration of SEIAA only after SEAC has approved it. Therefore, SEIAA is requested to seek extension of time with reference of WP(c) No.9656/2019.

Item No. 110.21 Environmental Clearance for the Proposed Mixed use Township Development Project 'Landmark Trade Centre' in Survey Nos. 27/1, 30/4c, 31/4, 7, 8, 9, 32/4, 351b of Pantheerankavu Village, Kozhikode Taluk & Kozhikode District, Kerala by Mr. Anwar Sadath, Director, M/s Calicut Landmark Builders & Developers (India) Pvt. Ltd (File No. 1193/EC2/2018/SEIAA)

Decision: The Subcommittee consisting of Shri.K.KrishnaPanicker and Dr.A.V.Raghu is entrusted to conduct the field inspection and monitor the compliance of the conditions of the EC.

Mir Mohammed Ali, I.A.S
Secretary

Dr.C.Bhaskaran
Chairman

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**MINUTES OF THE 105th MEETING OF THE STATE ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA, HELD ON
22nd and 23rd OCTOBER 2020 THROUGH VIDEO CONFERENCING.**

Present:

- 1. Dr.H.Nagesh Prabhu IFS (Retd), Chairman, SEIAA, Kerala**
- 2. Dr.Usha Titus I.A.S, Principal Secretary, Higher Education & Member Secretary, SEIAA**
- 3. Dr.Jayachandran.K, Member, SEIAA**

The 105th meeting of the SEIAA was held online on 22nd and 23rd October 2020 observing all the COVID protocols stipulated by the Government for video conferencing. Chairman participated from his home office at Bangalore, Member Secretary participated from her office in the Government Secretariat Thiruvananthapuram and the member from his home office at Kottayam. The meeting started at 11.00 AM and agenda items were taken up for discussion.

Item No.105.01 Minutes of the 104th meeting of SEIAA held on 22nd to 24th June 2020 for information

Noted

Item No.105.02 Action Taken Report on 104th meeting of SEIAA

Authority appreciated the follow up actions taken by SEIAA team under difficult circumstances of COVID Pandemic in the state.

Item No.105.03 Application for environmental clearance for mining of Laterite Stone in Sy.No.82/1-33 at Kurumbathur Village, Tirur Taluk,

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the land in which Malabar Envirovision has already got clearance for the construction of the plant.

Authority agreed to the proposal of the District Collector, Kozhikode to shift the project to new proposed site for the reasons quoted by him, subject to following conditions:

- (1) There is no change in the original Project proposal for which EC was issued.
- (2) The proponent shall get all prior permissions/ clearances from the required LSGDs for the proposed new site.

Item No.105.09 **Environmental Clearance for the Proposed Mixed use Township Development Project 'Landmark Trade Centre' in Survey Nos. 27/1, 30/4c, 31/4, 7, 8, 9, 32/4, 351b of Pantheerankavu Village, Olavanna Panchayath, Kozhikode Taluk & Kozhikode District, Kerala by Mr. Anwar Sadath, Director, M/s Calicut Landmark Builders & Developers (India) Pvt. Ltd (1193/EC2/2018/SEIAA)**

As per the decision of the 101st meeting of SEIAA the Environmental Clearance was issued to Sri. Anwar Sadath (Director), M/s Calicut Landmark Builders & Developers Pvt. Ltd, Kozhikode as per order No. 1193/EC2/2018/SEIAA Dt. 12/03/2020 for the period of 5 years from 12/03/2020 for the Mixed use Township Development project "Landmark Trade Centre" in Sy.No. 27/1,30/4c,31/4,7,8,9,32/4,351b of Patheerankavu Village, Kozhikode Taluk, Kozhikkode District, Kerala for an area of 3.309 hectares and the validity of EC will expire on 11/03/2025.

Authority decided to give approval for the project considering it as an expansion, subject to the following conditions.

1. *In the SEIAA meeting held on 17th January 2020, after the personal hearing, proponent has given an undertaking and he shall scrupulously follow his undertaking during the construction and operation phase of the project.*
2. *Proponent shall not violate any rules and regulations under EIA Notification 2006 as well as other rules and regulations of Govt. Kerala applicable to this Project.*

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3. Proponent shall carry out all ameliorative measures to rectify the environmental damage caused if any, in the project region, due to present construction activity, as suggested by SEAC to the best satisfaction of SEAC.
4. During the pendency of EC, SEAC shall make an inspection and the proponent shall abide by the conditions if any suggested.
5. Activities relating to Corporate Environmental Responsibilities amounting to Rs.7 crores shall be carried out leading to protection and promotion of environment including waste management in the project district as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF& CC as directed by Director, Directorate of Environment & Climate Change and supervised by District Collector.
6. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project (Circular No.J-11013/41/2006-IA.II(I) of GoI, MoEF dt.22.09.2008).

The decision of the SEIAA was conveyed to SEAC for the follow up actions on 3rd and 4th EC conditions listed above.

The proposal was placed in 114th SEAC meeting held on 06th, 07th& 08th October 2020. The committee observed that construction was started at the time of field inspection and SEAC recommendation was to consider the proposal under violation category. However, in the 101th meeting of SEIAA it was decided issue EC considering it has a project for expansion based on certain details produced by the Project proponent to SEIAA. Now SEAC has pointed out that as per clause 8 (ii) of EIA Notification 2006, "In case where the SEIAA disagrees with the recommendations of the SEAC, SEIAA shall request reconsideration by the SEAC".SEAC decided to bring this procedural formality to the notice of SEIAA.

Authority noted the observation of SEAC for future guidance and decided to request SEAC to take follow up actions on the EC conditions especially under items 3rd, 4th and 5th listed above. . The Project Proponent shall follow the instructions given by SEAC and render all assistance to SEAC in complying conditions of EC to the best satisfaction of SEAC.

Item No.105.10

Judgement in WP(C) No. 12073/2020(H) dated 19.06.2020 filed by M.M.Joseph, Menacheril House, Boothathankettu (P.O.),

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**MINUTES OF THE 116th MEETING OF SEAC KERALA HELD
DURING 2nd, 3rd and 7th DECEMBER, 2020 AT THE
CONFERENCE HALL, STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM**

The 116th meeting of the SEAC KERALA was held online during 2nd, 3rd & 7th December, 2020 observing all the lockdown protocols stipulated by the Government. The meeting started at 10.00 AM on 2, December 2020 with Dr. C. Bhaskaran, Chairman, SEACKERALA in the Chair. The Chairman welcomed the members to the meeting. The Committee then moved on to the deliberations on the agenda items.

Physical Files

Item No.116.01 Minutes of the 115th SEAC meeting held on 6-8, November, 2020

Decision: The Committee confirmed the minutes of the 115th SEAC meeting.

Item No.116.02 Minutes of the 104th SEIAA meeting held on 22nd to 24th June 2020

Decision: Noted.

Item No.116.03 Application for EC for the proposed Granite Building Stone quarry project in Survey No B1-138, 303/1 of Vellayoor Village, Nilambur Taluk, Malappuram District, Kerala over an area of 0.5594 Ha. by Mr. Saleem Kunnummal (File No. 1382/EC2/2019/SEIAA)

Decision: The proponent was present. The RQP made the presentation. The Committee entrusted Dr.S.Sreekumar and Dr.P.S.Easa for field inspection and directed the proponent to submit the following documents/details:

- i) Distance from Karimpuzha Wild Life Sanctuary.
- ii) Revised land use map.
- iii) Reduced water levels
- iv) Geo-coordinates of proposed observation wells
- v) Recent survey map showing distance to residential/public buildings, inhabited sites, canals, roads, electric lines, mobile towers, religious places etc., within 200 m. radius of the lease boundary certified by the Village Officer

- i) Recent survey map showing distance to residential/public buildings, inhabited sites, canals, roads, electric lines, mobile towers, religious places etc., within 200 m. radius of the lease boundary certified by the Village Officer concerned.
- ii) Detailed mitigation plan for slope stability
- iii) Revised EMP with site specific mitigation measures including compensatory afforestation and incorporating the specific CER activities in physical terms to be undertaken by the proponent in consultation with the stakeholders as stipulated in the OM No.22-65/2017-IA.III dated 30/09/2020 and OM No. 22-65/2017-IA.III dated 20/10/2020 of the MoEF&CC, GOI instead of allocation of funds under CER. The CER activities incorporated in the EMP should be undertaken during the first two years of validity period of the EC so as to ensure that the maintenance of the interventions undertaken can be done by the proponent during the remaining validity period of the EC.

Item No.116.09

Environmental Clearance for the proposed mixed use Township Development project 'Land mark Trade Centre' in survey Nos. 27/1, 30/4c, 31/4,7,8,932/4, 351b of Pantheerakavu Village, Olavanna Panchayath, Kozhikode Taluk & Kozhikode District, Kerala by Mr. Anwar Sadath, Director, M/s Calicut Landmark Builders & Developers (India) Pvt. Ltd (1193/EC2/2018/SEIAA)

Decision: The Committee decided to conduct field inspection as suggested by SEIAA and entrusted Shri.K.Krishna Panicker and Dr. R.Ajayakumar Varma for the same to recommend specific conditions as suggested by the SEIAA.

Item No.116.10

Application for ToR for mining of Granite Building Stone Quarry in Survey Nos 178/1, 17 9/pt, Block No: 56 in Morayur Village, Kondotty Taluk, Malappuram District, Kerala for an area of 2.1404 ha. by Mr. Muhammed Faisal K. P (File No-1300/EC/2019/SEIAA)

Decision: The Committee decided to invite the proponent to present the clarifications as suggested by the SEIAA.

Item No.116.11

Environmental Clearance for the proposed quarry project in Survey No. 163 (Block No.22),2/2-2,2/4-3,2/4-2,3/1-2,2/3,2/2-3,2/4-4,2/4-5 (Block No.27) in Urangattiri Village, Ernad Taluk, Malappuram District, Kerala by Mr. K.V. Moideen Koya, M/s Kallarattikkal Granites (File No. 1230/EC2/2019/SEIAA)

Decision: The Committee decided to hear the proponent and the complainant as suggested by the SEIAA.

FIELD INSPECTION REPORTS RECEIVED

Item No.119.11

Environmental Clearance for the Proposed Mixed use Township Development Project 'Landmark Trade Centre' in Survey Nos. 27/1, 30/4c, 31/4, 7, 8, 9, 32/4, 351b of Pantheerankavu Village, OlavannaPanchayath, Kozhikode Taluk & Kozhikode District, Kerala by Mr. Anwar Sadath, Director, M/s Calicut Landmark Builders & Developers (India) Pvt. Ltd (1193/EC2/2018/SEIAA)

Decision: The Committee discussed and accepted the Field Inspection Report. The Committee decided to communicate to SEIAA the following recommendations for further consideration:

- Proponent may be directed to file compliance reports on time.
- Emergency / second access suitable for fire engine movement must be developed.
- Water spraying must be done for dust control.
- Temporary accommodation for construction workers must be made as directed by SEIAA.
- Proponent must be directed to submit a reasonable time schedule for the implementation of CER activities.
- Necessary steps must be taken to prevent soil erosion from the soil dump area.

Item No.119.12

Environmental Clearance for the proposed Building stone Quarry project in Survey No. 236/3,237/1&238/2 in Thirumeni Village, Payyannur Taluk, Kannur District, Kerala State .by Mr.NarikkadanDasan (File No.1292/EC2/2019/SEIAA)

- Decision:** The change of the field inspection team is ratified. The Committee discussed and accepted the Field Inspection Report and decided to direct the proponent to submit the following documents/details:
 - The proponent should upload a non-assignment certificate and recent cluster certificate from the appropriate authority.
 - The proponent should revise and upload the revised Project Cost
 - The proponent should relocate the top soil dumping site and a map showing the revised dump site location.
 - A revised water management plan including the source details should be uploaded.
 - The garland drain is planned through the buffer zone which should be relocated and a map depicting the revised drainage plan should be uploaded.
 - A transportation plan for the mined material considering the existing traffic load of the Prapoyil-Thirumeni Road should be uploaded.
 - The proponent should revise the EMP and upload the revised EMP document incorporating CER. The revised CER should be planned with monitorable targets which should be implemented during the first two years of the proposed project

**MINUTES OF THE 108th MEETING OF THE STATE
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)
KERALA, HELD ON 22nd & 23rd March 2021 THROUGH VIDEO
CONFERENCING.**

Present:

1. Dr.H.Nagesh Prabhu IFS (Retd), Chairman, SEIAA, Kerala
2. Dr.V.Venu IAS
Member Secretary, SEIAA
3. Dr.Jayachandran.K, Member, SEIAA

The 108th meeting of the SEIAA was held online on 22nd & 23rd March 2021 observing all the COVID protocols stipulated by the Government for video conferencing. Chairman participated from his home office at Bangalore, Member Secretary participated from his office in the Government Secretariat, Thiruvananthapuram and the Member from his office at Kottayam. The meeting started at 11.00 AM on 22nd and agenda items were taken up for discussion.

Physical Files

Item No.108.01 **Minutes of the 107th meeting of SEIAA held on 18th & 19th February 2021 for information**

Noted

Item No.108.02 **Action Taken Report of 106th meeting of SEIAA**

Authority appreciated the follow up actions taken by SEIAA team under difficult circumstances of COVID Pandemic in the state.


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& Developers (India) Pvt. Ltd.

No.1103/EC/SEIAA/KL/ 2017; EC No.26/2018 dated 27-02-2018. In the Environmental Clearance issued at Part C; Para 8, states that the validity of the EC will be for 5 years from the date of this clearance, subject to inspection by SEIAA on annual basis and compliance of the conditions, subject to prior review of E.C. in case of violation or non-compliance of conditions or genuine complaints from residents within the security area of the quarry.

Vide letter No D2: 2153/19 dated 13-01-2021, of the Executive Engineer, Irrigation Department (MVIP Division No. 3) has requested to provide a Field Inspection report of SEIAA to extend the validity of NOC for continuing the quarrying activity in Kakkattoor near Varappetty distributory of MVIP Valathukara Canal. Vide Letter No. dated 27/01/2021 the proponent also As decided by the Authority requested the same.

Authority decided forward the request of Executive Engineer, Irrigation Department (MVIP Division No. 3) to SEAC for site inspection and report.

Item No: 108.15 Environmental Clearance for the Proposed Mixed use Township Development Project 'Landmark Trade Centre' in Survey Nos. 27/1, 30/4c, 31/4, 7, 8, 9, 32/4, 351b of Pantheerankavu Village, Olavanna Panchayath, Kozhikode Taluk & Kozhikode District, Kerala by Mr. Anwar Sadath, Director, M/s Calicut Landmark Builders & Developers (India) Pvt. Ltd (1193/EC2/2018/SEIAA)

As per the decision of the 101st meeting of SEIAA the Environmental Clearance was issued to Sri. Anwar Sadath (Director), M/s Calicut Landmark Builders & Developers Pvt. Ltd, Kozhikode as per order No. 1193/EC2/2018/SEIAA Dt. 12/03/2020 for the period of 5 years from 12/03/2020 for the Mixed use Township Development project "Landmark Trade Centre" in Sy. No. 27/1, 30/4c, 31/4, 7, 8, 9, 32/4, 351b of Pantheerankavu Village, Kozhikode Taluk & Kozhikode District, Kerala for an area of 3.309 hectares and the validity of EC will expire on 11/03/2025.

As decided by the Authority the EC was issued considering it as an expansion project, subject to the following conditions.

- 1. In the SEIAA meeting held on 17th January 2020, after the personal hearing, proponent has given an undertaking and he shall scrupulously follow his undertaking during the construction and operation phase of the project.*

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2. *Proponent shall not violate any rules and regulations under EIA Notification 2006 as well as other rules and regulations of Govt. Kerala applicable to this Project.*
3. *Proponent shall carry out all ameliorative measures to rectify the environmental damage caused if any, in the project region, due to present construction activity, as suggested by SEAC to the best satisfaction of SEAC.*
4. ***During the pendency of EC, SEAC shall make an inspection and the proponent shall abide by the conditions if any suggested.***
5. *Activities relating to Corporate Environmental Responsibilities amounting to Rs.7 crores shall be carried out leading to protection and promotion of environment including waste management in the project district as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF& CC as directed by Director, Directorate of Environment & Climate Change and supervised by District Collector.*
6. *Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project (Circular No.J-11013/41/2006-IA.II(I) of GoI, MoEF dt.22.09.2008).*

The proposal was placed in the 116th SEAC meeting held on 02nd, 03rd & 07th December 2020. The Committee decided to conduct field inspection as suggested by SEIAA and entrusted Shri.K.Krishna Panicker and Dr.R.AjayakumarVarma for the same. The field inspection was carried out on 09.02.2021.

The field inspection report was placed in 119th SEAC meeting held on 23rd, 24th & 25th February 2021. The Committee discussed and accepted the Field Inspection Report. The Committee decided to communicate to SEIAA the following recommendations for further consideration:

1. Proponent may be directed to file compliance reports on time.
2. Emergency / second access suitable for fire engine movement must be developed.
3. Water spraying must be done for dust control.
4. Temporary accommodation for construction workers must be made as directed by SEIAA.
5. Proponent must be directed to submit a reasonable time schedule for the

implementation of CER activities.

6. Necessary steps must be taken to prevent soil erosion from the soil dump area.

Authority decided to forward the field inspection report of SEAC to the Project Proponent with a direction to attend the observations of SEAC on priority. The Project Proponent shall also be informed that the position of compliance of the directions of SEAC as well as other EC conditions will be reviewed after 6 months and appropriate action will be taken for noncompliance including cancellation of EC.

Item No.108.16 Request for reconsidering the rejection order- M/s Alacode Granites (File No. 1277(A)/EC2/2019/SEIAA)

As per the decision of the 106th meeting of SEIAA the Rejection Order was issued to Sri.Mathew, M/s Alacode Granites, Managing Partner, Kannur as per order No. 1277(A)/EC2/2019/SEIAADt.06.02.2021 for the building stone quarry project in Survey No.292/1A of Vellad Village, Thaliparamba Taluk, Kannur District, Kerala for an area of 1.6923 hectares.

Now, the proponent submitted certain documents on 15.02.2021 *with a* request to reconsider the decision taken in the 106th meeting of SEIAA. He has also requested for an opportunity of being heard

Authority decided to give an opportunity of being heard to the Proponent through video conferencing in the next SEIAA meeting. The Proponent shall be informed sufficiently in advance.

Item No: 108.17 ToR application for the prior Environmental Clearance for the Proposed Phase I Development of Azhikkal Port at Azhikkal, Kannur District, Kerala. (SIA/KL/MIS/53915/2020, 1753/EC4/SEIAA/2020)


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Now, the proponent submitted certain documents on 15.02.2021 *with a* request to reconsider the decision taken in the 106th meeting of SEIAA. He has also requested for an opportunity of being heard

Authority decided to give an opportunity of being heard to the Proponent through video conferencing in the next SEIAA meeting. The Proponent shall be informed sufficiently in advance.

Item No: 108.17 ToR application for the prior Environmental Clearance for the Proposed Phase I Development of Azhikkal Port at Azhikkal, Kannur District, Kerala. (SIA/KL/MIS/53915/2020, 1753/EC4/SEIAA/2020)

BEFORE THE NATIONAL
GREEN TRIBUNAL,
SOUTHERN ZONE,
CHENNAI

APPEAL NO. 05 OF 2022
[SZ]

A.K. Shaji :: Appellant

M.O.E.F & CC.
and others :: Respondents

Reply of the
5th Respondent to the
Rejoinder & Additional
Rejoinder filed by the
Appellant

Filed on : 12.10.2022

M/s. B.G. Bhaskar
K.R.Harin
Advocates

Counsel for the
5th Respondent