

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

**APPEAL NO. 54 OF 2021 (SZ)**

**IN THE MATTER OF:**

**Thomas Lawrence**  
GV 79, Divisional Office Road,  
Near PMG Junction,  
Thiruvananthapuram  
Kerala – 695033.

**...APPELLANT**

v.

**State Environment Impact Assessment Authority, Kerala**  
Through its Chairman  
KSRTC Bus Terminal Complex  
4th Floor, Thampanoor,  
Thiruvananthapuram – 695001 & Others

**...RESPONDENTS**

**REPLY FILED ON BEHALF OF THE 1<sup>ST</sup> RESPONDENT**

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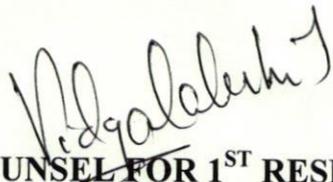
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1.	25.10.2021	REPLY FILED ON BEHALF OF THE 1 <sup>ST</sup> RESPONDENT	1-8

Dated at Chennai on this 25<sup>th</sup> day of October, 2021

  
**COUNSEL FOR 1<sup>ST</sup> RESPONDENT**

BEFORE THE NATIONAL GREEN TRIBUNAL  
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REPLY FILED ON BEHALF OF THE 1<sup>ST</sup> RESPONDENT

I, RANI R.S., wife of Mr.R. Prabodh Chandran, aged about 45 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby solemnly affirm and sincerely state as follows:-

1. I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply on behalf of the 1<sup>st</sup> Respondent. I crave leave of the Hon'ble Tribunal to file report as and when additional facts are available to the Respondent.
2. It is submitted that the above Appeal has been preferred by the Appellant herein for the following relief:-

INTERIM PRAYER

*That in light of the above facts and circumstances, it is most respectfully prayed this Ld. Tribunal may be pleased to pass the following interim prayer:*

- (i) Stay the operation of the impugned Environment Clearance letter dated 06.03.2021 granted to Dragonstone Realty Pvt. Ltd. for Expansion of its Mixed Land Use (Master Plan) project in Technopark Phase-3 Campus, Attipra Village, Thiruvananthapuram Corporation, Taluk & District Thiruvananthapuram, Kerala, until final disposal of the present Appeal.



*R. Rani*

LEGAL OFFICER  
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**PRAYERS**

That in light of the above facts and circumstances, it is most respectfully prayed that by appropriate orders or directions, this Ld. Tribunal may be pleased to:

- (i) Quash the impugned Environment Clearance letter dated 06.03.2021 granted to Dragonstone Realty Pvt. Ltd. for Expansion of its Mixed Land Use (Master Plan) project in Technopark Phase-3 Campus, Attipra Village, Thiruvananthapuram Corporation, Taluk & District Thiruvananthapuram, Kerala;
- (ii) Direct that a cumulative impact assessment be carried out of the present project on the surrounding structures;
- (iii) Direct that fresh appraisal be carried out based on a new EIA Report.

3. It is submitted that this respondent denies all the allegations and averments raised by the Appellant except that are specifically admitted. It is submitted that the 1<sup>st</sup> Respondent submit certain facts, which are necessary for the present appeal, are placed hereunder in seriatim.

4. It is submitted that the above Appeal has been filed by the Appellant before this Hon'ble Tribunal to challenging the Environmental Clearance granted by the State Environmental Impact Assessment Authority, (SEIAA), the 1<sup>st</sup> Respondent herein.

**5. Facts of the case as per the records and documents of this Respondent (Proposal.No. SIA/KLMIS/52546/2018, File No.1202/EC2/2018/SEIAA)**

i. It is submitted that the appellant alleges in the present appeal that the Respondent No. 4 is Dragonstone Realty Pvt. Ltd., who is the project proponent. Respondent No. 5 is Winterfell Realty Private Limited, which has been carrying on reclamation and construction activities on the Veli-Akkulam wetlands located in the Technopark Region in Thiruvananthapuram, Kerala. Respondent No. 6 is Dorne Realty Private Limited, which is the lessee of a portion of land claimed by the project proponent to come within the proposed expansion plot area. Dragonstone, Winterfell, and Dorne are all Indian subsidiaries of Taurus Investment Holdings, LLC, an American real estate company. Respondent No. 7 is M/s Technopark, a company wholly owned by the Government of Kerala, which has leased to Dragonstone the land upon which the



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proposed expansion is taking place. They obtained Environmental Clearance from the 1<sup>st</sup> Respondent on 06.03.2021, vide No. SIA/KL/MIS/52546/2018, 1202/EC2/2018/SEIAA.

ii. It is submitted that as per records the 4<sup>th</sup> Respondent had submitted the application for Environmental Clearance via Parivesh on 20.03.2020 for the proposed expansion of the Mixed Land Use (Master Plan) project of M/s. Dragonstone Realty Pvt. Ltd. At Technopark Phase-3 Campus in Re-Sy. Nos. 290/2 part, 290/3 part, 290/4 part, 290/5 part, 290/6 , 290/7 part, 291/2 part, 291/4 part, 291/5 part, 291/6 part, 291/7, 291/8, 291/9 part, 291/11 part, 291/12, 291/13, 291/14, 291/15, 291/16, 291/17, 291/18, 291/19, 292/1, 292/2, 292/3, 292/4 part, 292/5 part, 292/6 part, 292/8 part, 292/9, 292/10, 295/1 part, 295/2 part, 295/3 part, 295/8 part, 295/9, 295/10, 295/11 part, 295/12, 295/13, 295/14, 295/17 part, 295/19 part, 295/23 part, 296/1 part, 296/2 part, 296/5 part, 296/6 part, 296/7, 296/8, 296/9, 296/10, 296/11, 296/12, 296/13, 296/14, 296/15, 296/16, 296/17, 296/18, 296/19, 297/8 part, 297/18 part, 297/19 part, 292/2 part, 292/3 part, 292/8 part, 292/9 part, 292/10 part, 292/11 part, 292/12 part, 292/14 part, 292/18 part, 295/14 part, 295/15, 295/16, 295/17 part, 295/18 part, 296/10 part, 296/18 part, 296/19 part, Village Attipra, Thiruvananthapuram Corporation, Taluk & District Thiruvananthapuram, Kerala. ToR for the proposed project was issued as per the decision of 102<sup>nd</sup> SEAC meeting.

iii. It is submitted that the proposal was placed in the 112<sup>th</sup> SEAC meeting held on 12<sup>th</sup>, 13<sup>th</sup> & 14<sup>th</sup>, August, 2020. The Committee has decided to seek legal opinion from the Standing Counsel, Hon`ble Supreme Court of India regarding any Court directions in this regard. The Committee also decided to direct the proponent to submit the following documents/details:

1. *Hard and CD copy of EIA report.*
2. *Accreditation details of the Consultants and the laboratories*

iv. It is submitted that the proposal was placed in the 115<sup>th</sup> SEAC meeting held on 3<sup>rd</sup> to 5<sup>th</sup>, November, 2020. The Committee discussed the legal opinion in this regard and decided to await the reports from the proponent.

v. It is submitted that the proposal was placed in the 116<sup>th</sup> SEAC meeting held on 2<sup>nd</sup>, 3<sup>rd</sup> and 7<sup>th</sup> December, 2020. The proponent and consultant were present. The consultant made the presentation. The Committee entrusted Shri.K.Krishna Panicker & Shri.G.Sankar for the field inspection. The field inspection was conducted on 18<sup>th</sup> December 2020.



*Ranme*

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SEIAA

vi. It is submitted that the proposal was placed in the 117<sup>th</sup> SEAC meeting held on 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> December, 2020. The Committee discussed the Field Inspection Report and decided to direct the proponent to submit the following documents/details:

- a. The rerouting of Thodu to Thettiayar has permission from Water resources department. The Proponent should give an affidavit saying that necessary permission from the Revenue department will be obtained before proceeding with civil works for rerouting.
- b. A scientific write up on the environmental impact of continuous pumping of the ground water and its remedial measures should be submitted.
- c. Revised storm water management plan considering very shallow water table during monsoon period.
- d. Clarify whether assured 2.5 ml water supply to Technopark includes 1.5 mld water demand of Technopark Phase III also.
- e. Site- specific disaster management plan should be submitted
- f. Consent from Technopark allowing the proponent to carry out rainwater harvesting in the Storm water Collection pond.
- g. Capital cost of the waste management part seems to be inadequate and to be revised. Details of individual STP should be furnished. Reduced ground level and post monsoon reduced water level of individual STP locations have to be furnished. MBR technology should be used for liquid waste treatment. Clarification on mixing septage and sewage for treatment is required.
- h. STP should be housed at the ground level
- i. Accommodating the one tree for every 80m<sup>2</sup> may not be possible to be implemented in the lease area. So along with the green belt development, an additional area outside may be selected for raising a green belt or Miyawaki forest.
- j. Details of solar power harnessing
- k. Necessary permission from KSEB regarding the Extra High-Tension Line passing near the NW corner of the lease area.
- l. An undertaking from Technopark allowing the proponent to use water from Storm Water Collection pond.
- m. Details of new drain to be constructed on the eastern boundary by Technopark.



*Renu*

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vii. It is submitted that the proposal was placed in the 118<sup>th</sup> SEAC meeting held on 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> February, 2021. The proposed expansion of Mixed Land Use (Master Plan) development is in plot area of 3,937 ha. with total cumulative built-up area of 2,71,164.4 sq.m. (Approved built-up area 1,33,491 sq m + Proposed expansion of built-up area of 1,37,673.4 sq m). The Hon'ble Supreme Court by judgment dated 29.10.20 dismissed the Civil Appeal 2535/2020 filed by Shri.Thomas Lawrence Challenging the order of NGT with a direction that the Collector has passed an order pursuant to the NGT's order dated 19.12.2018, it is clear that the execution application filed before the NGT has become infructuous. The Committee examined additional documents/details filed by the proponent and decided to recommend the issuance of EC for a total built up area of 2,71,164.4 sq m. subject to following specific conditions.

- a. Ensure uninterrupted overflow of storm water to the nearby canal.
- b. Compensatory afforestation/ Miyawaki forest may be developed within first two years of the project.
- c. Maximum non-conventional energy resource potential must be tapped to meet energy requirement of the project.

viii. It is submitted that the proposal was placed in the 107<sup>th</sup> SEIAA meeting held on 18<sup>th</sup> & 19<sup>th</sup> February 2021. The decision is as follows:

"The Authority noted that as per the legal opinion given by the Standing Counsel Adv. G Prakash there is no case pending in Hon: Supreme Court of India and as well as in Hon: NGT with regard to phase 3 Project lands of M/S Dragonstone Realty Pvt.Ltd., as reported by SEAC.

Authority noted that M/S Dragonstone Realty Pvt.Ltd. have obtained EC for 1,33,491 sq m from MoEF & CC already as per EC order No. 21-48/2018-IA.III dated 7.6.2019. Hence out of the total area of 2,71,164.4 sq m, Authority need to issue EC for balance area of 1,37,673.4 sq m.

Authority also noted that SEAC had appraised the proposal based on Form IA, Conceptual Plan, the filed inspection report, the additional details/documents obtained from the proponent as the part of the appraisal. After the due appraisal SEAC has recommended to issue EC subject to certain conditions.



*Ramnik*

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*Authority decide to issue EC for 7 years as recommended by SEAC for the balance built up area of 1,37,673.4 sqm subject to following specific conditions and general conditions.*

- a. *The Project proponent shall scrupulously follow the EC conditions imposed by MoEF&CC while issuing EC for 1, 33,491 sq m. as per EC order No. 21-48/2018-IA.III dated 7.6.2019.*
- b. *The Project Proponent shall implement the activities proposed in the Environmental Management Plan to ensure the Environmental stability in the project region.*
- c. *Ensure uninterrupted overflow of storm water to the nearby canal.*
- d. *Compensatory afforestation/Miyawaki forest as suggested by SEAC shall be developed within first two years of the project if it is not a part of Environment Management Plan (EMP)*
- e. *Maximum non-conventional energy resource potential shall be tapped to meet energy requirement of the project.*
- f. *The Project Proponent shall obtain all required clearances from all the concerned local self-government organizations and Thiruvananthapuram Corporation.*
- g. *The construction activities shall be carried out as per the approved Building plan observing all rules and regulations under Kerala Municipal Building rules.*
- h. *Corporate Environment Responsibility (CER): As per OM no F.No.22-65/2017-IA.III dated 30<sup>th</sup> September 2020, the project Proponent shall prepare an Environment Management Plan (EMP) as directed by SEAC during appraisal, covering the issues to address the environmental problems in the project region, indicating both physical and financial targets year wise. The EMP shall be implemented in consultation with District Collector. The indicated cost for CER shall be 1% of the project cost. The follow up action on implementation of CER shall be included in the half yearly report which will be subjected to field inspection at regular intervals.*
- i. *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*



*Renuka*  
 LEGAL OFFICER  
 SEIAA

after the completion of the project (Circular No.J-11013/41/2006-IA.II (I) of Gol, MoEF dt.22.09.2008 and Regulation of Employment and Conditions of Service) Act, 1996)".

ix. Based on the decision of 107<sup>th</sup> SEIAA meeting, Environmental Clearance was issued vide proceedings dated 06.03.2021 for a period of Seven years. The validity of EC will expire on 05.03.2028.

6. It is submitted that only allegation raised by the Appellant is that the Cumulative Impact Study has not been conducted for issuance of Environmental Clearance is false. It is clear from the EIA Report that the Cumulative Impact has been done. It is submitted that the project proposal underwent the scoping exercise through the SEAC, Kerala. The scope of study was approved through "ToR". The ToR was approved by SEAC and SEIAA, Kerala. Apart from the standard ToR, the study includes cumulative impact of the proposed project on the structures nearby viz. the impact on traffic, the water & electricity supply, liquid and solid waste generation and its treatment and disposal.

7. It is submitted that this Respondent may be permitted to file an additional reply and additional, if at the time of argument any factual aspects as to be presented for the assisting this Hon'ble Tribunal.

8. It is submitted that EC has been issued in accordance with law. The Appellant has failed to show case how the issuance of EC by this Respondent is bad.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the plea against the 1<sup>st</sup> Respondent, pass such order or orders as this Hon'ble tribunal may deem fit and proper in circumstances of the case and thus render justice.

Dated at Chennai on this the 25<sup>th</sup> day of October, 2021



*Rani R.S.*  
RANI.R.S  
LEGAL OFFICER  
SEIAA  
1<sup>ST</sup> RESPONDENT

**VERIFICATION**

I, RANI R.S., wife of Mr.R.Prabodh Chandran, aged about 45 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of paras 1 to 8 are true to the best of my personal knowledge and paras 1 to 8 believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 25<sup>th</sup> day of October, 2021



RANI.R.S  
LEGAL OFFICER  
SEIAA  
1<sup>ST</sup> RESPONDENT