

stopped operation of the quarry before the expiry of the consent issued by the Board.

4. It is submitted that as per the report submitted by the geologist, about 50376.777 MT of granite building stone was found excess quarried from within and outside the quarrying lease area. In the above circumstance this Hon'ble NGT directed the Pollution Control Board to file a report containing the steps taken/proposed by the Board for imposing Environmental Compensation as against the Unit.

5. In this context it is submitted that the District Geologist vide letter dated 28.10.2023 informed the Board that the lease deed granted to M/s Palathra Constructions was executed on 29.06.2016 and the validity of lease is up to 28.06.2026. The Quarrying lease was granted for an area of 1.8851 Hectares of land comprised in survey no. 403/1, 403/2 of Chengalam East Village, Kottayam Taluk. It was also informed that the total permissible quantity as per the mine plan is 50,000 MT per annum and the total permissible quantity for the entire lease period as per the approved closure plan is 2,42,007 MT. The excess quantity mined as per the report of the District Geologist including the quantity mined in excess from inside and outside the permitted area is 503764.775 MT. The excess area mined is 0.8803 Hectares. True copy of the letter dated 28-10-~~2023~~ of the District Geologist is produced herewith and marked as **Annexure R-6 (i)**.

6. It is submitted that the Environmental Compensation is to be determined based on the excess mining conducted by the Unit. For the above purpose the formula prescribed by the Central Pollution Control Board (**CPCB**), as mentioned in OA 360/2015 is applicable in this case. The formula prescribed by the CPCB is as follows:

"Compensation = D (1 + RF + DF)

RF is the risk factor;

AG

Alexander George
Senior Environmental Engineer



DF the deterrence factor

$D = Z \times$ market value of the mined material per metric tonne or cubic metre.

Z is the excess extraction in metric tonne or cubic metre.

DF is 0.3, if Z/X is 0.1 to 0.4; DF is 0.6 if Z/X is 0.41 to 0.7 and DF is 1 if Z/X is ≥ 1 .

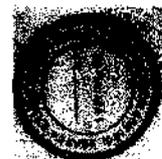
The risk factor varies from 0.25 to 1.0 based on the risk level.

In Kottayam District the cost of granite is ₹ 700 per Metric Tonne. It is submitted that the Chairman of the Board is the authority to impose EC from industries and accordingly, these details were forwarded to the Chairman of the Board along with the draft calculation. The Chairman informed this respondent that, M/s. Palathra Constructions has brought to the notice that WP(C) No. 20834 of 2023 has been filed before the Hon'ble High Court of Kerala against the assessment and fine imposed by the Mining & Geology Department, for excess mining, and the same is pending consideration before the Hon'ble High Court of Kerala. Since the issue under consideration before the Hon'ble N.G.T. and the Hon'ble High Court of Kerala are one and the same, the Chairman has instructed this office to appraise the Hon'ble NGT about the pendency of the writ petition on the very same subject matter.

7. It is respectfully submitted that this respondent will take expeditious steps in the above matter, subject to the orders passed by this Hon'ble Tribunal.



Alexander George
Senior Environmental Engineer



All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 18th day of December, 2023.



Senior Environmental Engineer
Kerala State Pollution Control Board
District Office, Kottayam.



T.NAVEEN
Standing Counsel for K.S.P.C.B.



Annexure - R6 (i)

No:1606/DOY/EM/2017

District Office of the
Dept. of Mining & Geology,
Collectorate, Kottayam-686002
Phone: 0481-2301405
geo.kot.dmg@kerala.gov.in
Dated - 28/10/2023

9/26/16/23
28/10/23

From

Geologist

To

The Senior Environmental Engineer
Kerala State Pollution Control Board
District Office Kottayam

Sir,

Sub.- OA 56/2022 filed by Sri.Stanley Joseph and another before the
Hon.NGT (Southern Zone Bench Chennai) -report submitted -reg.
Ref: - That office letters dated 15/10/2023 ,21/10/23

I may invite your attention to the reference cited above. In connection with
OA 56/2022 filed by Sri. Stanley Joseph and another before the Hon.NGT the
following information were sought from this office as per reference letter cited
above.

AE₂

It may be noted that M/s Palathara Constructions (Pvt) Limited, Palathara
Building, Thuruthi P.O, Changanassery, Kottayam-686535 was granted a quarrying
lease vide no. 222/2016-17/1843/M3/2016 dated 24/06/2016 by the Director of Mining
& Geology for quarrying Granite (Building Stone) from 1.8851 Hectares of land
comprised in Survey No. 403/1. 403/2 of Chengalam East Village, Kottayam Taluk,
Kottayam District. The quarrying lease was granted as per the Kerala Minor Mineral
Concession Rules 2015 for a period of 10 years from the date of execution of the
lease deed. The lease deed was executed on 29/6/2016 and the validity of the lease
is upto 28/6/2026. At the same time, as desired by the lessee, the lease was
subjected to closure as per order no- 938/2022-23/DMG/2876/2022-M2 Dated

1/2023



R6(i)/2

1/4/2023 of the Director of Mining and Geology and the final mine closure plan was approved on 17/02/2023.

Demand notice no-1606/DOY/ML/2017 dated 24/8/22 was issued to the lessee to remit an amount of Rs.3,63,71 064/- as the royalty ,price and compounding fee for 503764.775 MT of Granite (BS) removed in excess and from outside the permitted area, based on the survey sketch issued by the Taluk surveyor which was duly authenticated by the Tahsildar Kottayam.(copy attached)

Based on the sketch and the approved closure plan -

- 1) The quantity permitted by the department of Mining and Geology in respect of the afore mentioned quarry-

Permissible quantity as per approved mining plan was 50,000 MT per annum .The quarrying operations in the lease commenced in 2016 and closed in November 2021.The total permissible quantity for the above period as per the approved closure plan is 2,42,007 MT

- 2) Excess quantity mined- 503764.775 MT (including the quantity mined in excess from inside and outside of the lease area)
- 3) Excess area mined-0.8803 Ha
Lease area-1.8851 Ha
Total area mined-1.95 Ha

I may also inform that even though the amount demanded was remitted by the lessee he has filed WPC 20834/2023 before the Hon High court of Kerala challenging the demand notice raising the contention that the same was remitted only under protest. The said WPC is still pending.

This is for kind information



Yours faithfully,

[Signature]
28/10/23
GEOLOGIST

[Signature]