

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SZ) CHENNAI**

Original Application No.56 of 2022

Stanley Joseph & another	:::	Applicants
	Vs.	
Union of India & Others	:::	Respondents

**Additional Report filed by the Senior Environmental Engineer,
Kerala State Pollution Control Board, District Office, Kottayam, on
behalf of the Additional 6th respondent in the above Case, as
directed by this Hon'ble Tribunal as per Order dated 20-12-2023.**

Additional Report filed by Sri. AlexanderGeorge, aged 55 years, S/o George, Senior Environmental Engineer, Kerala State Pollution Control Board, District Office, Kottayam, on behalf of the additional 6th respondent in the above case, as directed by this Hon'ble Tribunal as per Order dated 20-12-2023 in the above O.A.

2. It is respectfully submitted that the above Original Application is filed against the Mining operation of M/s. Palathra Constructions Pvt. Ltd. (4th respondent) in Chengalam East Village, Akalakunnam Grama Panchayat, Kottayam District. The Hon'ble Tribunal vide order dated 20.12.2023 has clarified that there is no impediment for the Kerala State Pollution Control Board to assess the Environmental Compensation and file report.

3. In this context it is respectfully submitted that the District Geologist vide Annexure R6(i) letter dated 28.10.2023 has 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



Alexander George
Senior Environmental Engineer



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 503764.775MT. The excess area mined is 0.8803 Hectares.

4. It is respectfully submitted that, the Environmental Compensation is to be determined based on the excess mining conducted by the Unit. In the absence of specific guidelines for the above purpose the formula prescribed by the Central Pollution Control Board (**CPCB**), as mentioned in OA 360/2015 is made applied in this case. The formula prescribed by the CPCB is as follows:

Environmental Compensation = $D (1 + RF + DF)$

RF is the risk factor;

DF the deterrence factor

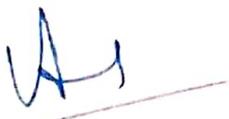
$D = Z \times$ market value of the mined material per metric tonne or cubic metre.

Z is the excess extraction in metric tonne or cubic metre and X is the permitted quantity

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 Rupees 700 per Metric Tonne.



Alexander George
Senior Environmental Engineer



5. As per the said formula, the Environmental Compensation (EC) is calculated, in compliance with the order of Hon'ble N.G.T., based on the levy of penalty imposed by the Department of Mining and Geology, which is as below:

Excess quantity mined = 503764.775 MT (including quantity mined in excess from inside and outside of lease area).

$Z/X = 503764.775/242007 = 2.08.$

Hence, Deterrence Factor DF=1.

Taking risk factor (RF) as medium risk = 0.5

$EC = \text{market value} \times (1 + RF + DF) = \text{market value} \times (1 + 0.5 + 1)$

Market value per MT in Kottayam = Rupees 700

Market value = $503764.775 \times 700 = 35,26,35,342.5 = \text{Rupees } 35.26 \text{ crore}$

Total EC = $35.26 \times 2.5 = \text{Rupees } 88.15 \text{ Crore}$

Thus the EC is assessed as Rupees 88.15 crore, **based on the levy of penalty imposed by the Department of Mining and Geology**

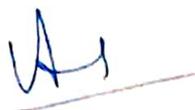
6. M/s Palathra Constructions (Pvt) Ltd vide letter dated 22.12.2023 requested to consider the total quantity permitted as per the approved Mine Plan instead of the excess quantity reported by the District Geologist. A true copy of the letter dated 22.12.2023 of the unit is produced herewith and marked as **Annexure R-6 (j)**. Opinion was sought from the District Geologist in this regard. The District Geologist vide letter dated 30.12.2023 has informed that the minable reserve as per the approved mine plan (approved by the Geologist on 22.06.2016) in respect of M/s Palathra Constructions Pvt Ltd is 6,570,072 MT. The Quarrying Lease was granted for a period of 10 years with annual production of 50,000 MT. As per the Environmental Clearance, the life of mine is 10years with production of 50,000 MTA. True copy of the letter dated 30-12-2023 of the District Geologist is produced herewith and



marked as **Annexure R-6(k)**. As per the above letter from the Geologist, though the lease is valid up to 28.06.2026, the mine closure plan was approved on 17.02.2023 and the lease was subjected to closure as per order dated 01.04.2023 of the Director of Mining & Geology. Based on the request from the unit and subsequent clarification letter from the Department of Mining & Geology, Environmental Compensation is also assessed as Rupees 13.878 crore based on the mine plan and considering the fact that the mine lease is already closed.

7. This Hon'ble Tribunal vide interim order has held that "In the event that the writ petition pending before the Hon'ble High Court of Kerala succeeds, the Environmental Compensation which is normally based on the levy of penalty imposed by the Department of Mining and Geology also would be altered." Hence Environmental Compensation was assessed both based on penalty levied by the Department of Mining & geology and based on the approved mine plan. Thus the Environmental Compensation based on levy of penalty imposed by the Department of Mining & Geology is calculated as Rs. 88.15 crores, while Environmental Compensation based on mine plan approved by the Department of Mining & Geology is calculated as Rs. 13.878crores.

8. It is submitted that the Board has now assessed the compensation based on the levy of penalty imposed by the Department of Mining and Geology, in tune with the order of this Hon'ble Tribunal. As per that the Board has now calculated an amount of Rupees 88.15 Crores as the Environmental Compensation, subject to the orders of the hon'ble High Court of Kerala and this hon'ble Tribunal. It is respectfully submitted that further action in the matter will be taken as per the order of the Hon'ble High Court and 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 8th day of January, 2024.



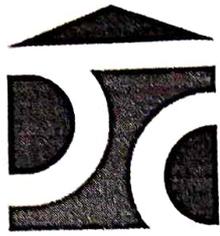
Senior Environmental Engineer
Kerala State Pollution Control Board
District Office, Kottayam.



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



Annexure - RG(j)



Palathra Constructions Private Limited

CIN-U45201KL2012PTC032867

REGD. OFF: PALATHRA BUILDING, THURUTHY P.O.,
CHANGANACHERRY, KOTTAYAM, KERALA - 686535

Email: palathraconstructionsprivtltd@gmail.com, Telephone No: 0481-2322150
Mob: 9048490000, 9447532900, 9447000164

Date:

Date: 22/12/2023

To,

The Senior Environmental Engineer
Kerala State Pollution Control Board
Kottayam

Subject: O.A No. 56/2022 before Hon'ble NGT SZ - Regarding

1. Excerpts of Page: 16 from the Approved Mining Plan of Chengalam Quarry Project

Sir,

This correspondence is with respect to the matter pertaining to NGT OA No. 56/2022 concerning the quarry unit of M/s. Palathra Constructions Pvt. Ltd

The mining plan, as per document no. 835/EC4/2713/2015/SEIAA dated 03-02-2016, received approval from the District Geologist and Environmental Clearance for the extraction of 6,57,072 MT of building stone over a 14-year period, commencing in the fiscal year 2016-17. The annual production quantities are meticulously detailed in the referenced document page no. 16 (refer to annexure 1)

Regrettably, all quarrying activities were suspended in November 2021 due to disruptions caused by local nuisances. The initial ten-year quarrying lease, scheduled to continue until 28/06/2026, received a pre-closure order from the Director of Mining & Geology on 01/04/2023 (refer to annexure 2). Subsequently, upon application of mine closure, the Department of Mining & Geology conducted a survey, determining the total quantity mined from the area as 7,67,171.775 MT.

RG (U) / 2

It is noteworthy that the quarry has been operational since 1995, with consent orders issued by your esteemed District Office (PCB), Kottayam, during this extensive period (refer to annexure 3).

Given these circumstances, I respectfully request the Kerala State Pollution Control Board's consideration of the excess mining quantity for compensation calculations as the difference between the quantity mined (7,67,171.775 MT) and the quantity initially approved in the mining plan (6,57,072 MT), resulting in 1,10,099.775 MT. The approved quantity in the mining plan was depleted by the final closure in 2023, and the lease was scheduled for expiration in 2026.

The premature closure of the quarry has not led to any discernible environmental degradation. The excess mining quantity can be judiciously ascertained as outlined above.

Sincerely,



For Palathra Constructions Private Limited
Charles Mathew
Director



Annexure - R 6 (K)

No. DOKOT-DMG/1606/2023-M

Department of Mining and Geology
District Office, Kottayam
email : geo.kot.dmg@kerala.gov.in
Phone: 04812-301405
Dated : 30/12/2023

From

Geologist, Kottayam

To,

**The Environmental Engineer
Kerala State Pollution Control Board
Kottayam**

Sub: OA No.56/2022 before Hon'ble NGT – Reg:

- Ref:** 1) Kerala Minor Mineral Concession (Amendment) Rules 2015
2) That office letter no. PCB/KTM/COMP/G/16/2011 Dated 28.12.2023
3) Quarrying Lease Order No.222/2016-17/1843/M3/2016 Dated 24.06.2016
4) Environmental Clearance No. 07/2016 dated 03/02/2016
5) Mining plan Approved on 22/06/2016 ...

Sir,

In continuation with this office letter of even no. dated 28/10/23, with reference to that office letter referred (2) it is brought to your kind attention that a quarrying lease was granted to M/s Palathra Pvt. Ltd., Palathra Building, Thuruthi P O, Changanassery, Kottayam by the Director of Mining and Geology over an area of 1.8851 Ha in Survey no.403/1, 403/2, Chengalam East Village, Kottayam Taluk, Kottayam District . As per the Lease Order ref. (3) the said quarrying lease was granted for 10 years with annual production of 50,000 MT. As per the Environmental Clearance ref. (4) life of mine of Quarry is 10 years with production of 50,000 MTA.

As per the approved Mining Plan (approved by District Geologist on 22/6/16) in respect of M/s Palathra Constructions Pvt. Ltd. the mineable reserve is 6,57, 072 MT and a duly attested copy of the relevant page of the mining plan is attached .



Yours faithfully

[Signature]
Geologist

[Signature]

RG(K)/2

MINING PLAN

WITH PROGRESSIVE MINE CLOSURE PLAN

(Submitted under as per Chapter VI of Kerala Minor Mineral Concession Rules-63, 2015)

"GRANITE BUILDING STONE QUARRY MINING PROJECT"

VILLAGE	: CHENGALAM EAST
TALUK	: KOTTAYAM
DISTRICT	: KOTTAYAM
MINERAL	: GRANITE BUILDING STONE
MINE ELIGIBLE AREA (A)	: 1.4434 HECT. (NON FOREST AREA)
TOTAL AREA UNDER BUFFER {AS PER REGULATION NO. 111 (2) OF METALLIFEROUS MINES REGULATIONS, 1961 (7.5 M) (B)}	: 0.4417 HECT.
TOTAL AREA (C = A+B)	: 1.8851 HECT.
LAND STATUS	: PRIVATE OWN LAND
SURVEY No.	: SURVEY No. 403/1,403/2
METHOD OF MINING	: OPEN-CAST SEMI-MECHANIZED

Mining plan Approved
22/6/2016

APPLICANT

Mr. Charles Mathew, Director,
M/S PALATHRA CONSTRUCTIONS PVT. LTD.
Palathra Building, Thuruthy P.O.,
Chenganassery, Kottayam,
Kerala-686001.
Mobile No. 09447543210 / 09645920166
E-mail :- charlesmathewpalathra@hotmail.com

PREPARED BY

MUKESH SUROLIYA
RQP/AJM/321/2010/A

Home address - 5A/6, Vijay Bari Dher Ka Balaji, Sikar Road,
Jaipur (Raj.)-302023.

Q. Address - C-306 Kanchi Apartments, Palarivattom P.O.,
Ernakulam-682025.

Mob. No. 9848112378 E-mail: mksuroliya@yahoo.co.in



REGISTRAR
DISTRICT OFFICE
DEPT. OF MINING AND GEOLOGY
REGISTRAR P.O. KOTTAYAM-686001

30/12/23

R6(K)/3

METHOD OF ESTIMATION OF RESERVES:-

The following points have been considered while calculating the reserves of stone. The reserves of minerals have been estimated by using the method of preparation of sections and applying the influence of such sections to limited distance and multiplying it by width. Based on the actual geological mapping and cross section preparation, the proved reserve has been taken. The specific gravity of minerals has been taken as 2.6 i.e. 1 m³ of mineral in situ = 2.6 tonne

Notes:- On the field visit, sample collected and analyzed and result are obtained, the sp. Gravity of minerals is 2.6.

RESERVES OF MINERALS

The reserves of minerals have been calculated and the geological and mineable reserves have been given in table no. 9.1.

SUMMARY OF GEOLOGICAL & MINEABLE RESERVES

In this area the building stone exposures are bordering to the mine boundary. The mineable reserves are arrived after deducting the reserves locked in mines safety slope along with boundary in compliance with mineral concession rules. The quantity of such kind of reserves is arrived as following:-

Table 9.1 – Mineable Reserves Estimation

BLOCKED					MINEABLE			
SECTION A-A'								
BENCH	M2	M	DENSITY	TON	M2	M	DENSITY	TON
101-96	42	90	2.6	9828	96	90	2.6	22464
91	75	90	2.6	17550	284	90	2.6	66456
86	200	90	2.6	46800	292	90	2.6	68328
81	242	90	2.6	56628	228	90	2.6	53352
76	288	90	2.6	67392	163	90	2.6	38142
71	350	90	2.6	81900	106	90	2.6	24804
Sub Total				280098	Sub Total			273546
SECTION B-B'								
101-96	32	90	2.6	7488	31	90	2.6	7254
91	62	90	2.6	14508	104	90	2.6	24336
86	86	90	2.6	20124	256	90	2.6	59904
81	125	90	2.6	29250	489	90	2.6	114426



36/12/23
 GEOLGIST
 DISTRICT OFFICE
 DEPT OF MINING AND GEOLOGY
 ELECTORATE P.O. KOTTAYAM-SRI LANKA

RG(K)/4

70	207	90	2.6	8438	417	90	2.6	97578	
71	272	90	2.6	63648	342	90	2.6	80028	
Sub Total				183456	Sub Total				583526
GRAND TOTAL				463554	GRAND TOTAL				657072

Summarize the reserves (in MT)	
Geological reserve (A)	11,20,626
Mineral reserve blocked in 7.5 m buffer zone (B)	1,72,692
Mineral reserve blocked in benches (C)	2,90,862
Mineral reserve D= A - (B+C)	6,57,072

Mining:

a. Whether manual or semi-mechanized or mechanized

semi-mechanized

b. If semi-mechanized or mechanized, number, type and capacity of machines to be used.

M/c will be deployed as per requirement to meet production target. Brief details of machinery are as follows:

(i) Drilling & Machines

Sr. No.	Machine Type	Required No. of M/c	Size/Capacity
1.	Back Hoe	2	0.9 m3
2.	Rock Breaker	2	--
3.	Tippers/Trucks	6	15T
4.	Jack hammer	2	32 mm
5.	DG set	2	125 kVA

(ii) Loading Equipment

Mechanical loading equipment such as shovel and excavators will be used for removal and loading of the mineral at face and stock yard.

(iii) Haulage and Transport Equipment

a) Haulage within mining mine hold: Loading of Stone will be done with the help of Shovel and Excavators at face and stock yard. Stone gitti are loaded in truck by manually.

b) Transport from Mine head to destination: The truck will be used for transportation of Stone and Stone Ballast from mine site to destination.



GEOLOGIST
 DISTRICT OFFICE
 DEPT. OF MINING AND GEOLOGY
 DIRECTORATE P.O. KOTTAYAM-686 002

36/12/23

14