

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)
CHENNAI
Original Application No. 72 of 2021(SZ)

IN THE MATTER OF:

P.R.Sasikumar and another

... Applicant(s)

Versus

Union of India and others

... Respondent(s)

STATEMENT OF FACTS SUBMITTED ON BEHALF OF BY THE 2ND
RESPONDENT

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Dated at Chennai on this the 3rd day of November, 2021.

M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

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RESPONDENT

The 2nd Respondent submits the following statement of facts against the above Original Application No. 72 of 2021 filed by the applicant.

1. It is respectfully submitted that all the averments and allegations contained in the original application except those that are specifically admitted hereunder are not true and are denied.

2. It is submitted that as per the Cabinet decision of Government of India, Kerala Rail Development Corporation Limited (KRDCL) is incorporated as a Joint Venture Company with 51:49% equity participation of Kerala Government and Ministry of Railways respectively. This Company is to undertake project development works for identified baskets of works, including surveys, preparation of detailed projects reports, obtaining requisite approvals, processing sanction and execution of such projects. A Joint Venture Agreement (JVA) between Government of Kerala and Ministry of Railways was signed on 01/09/2016, for the formation of Joint Venture Company as above. In terms of the Memorandum of Understanding, the Joint Venture. Company will undertake the development of viable Railway projects (by itself or through subsidiary/special purpose vehicles) including projects with viability gap funding. In order to meet the ever-growing demand of rail passenger traffic and to cater future travel needs, Government of Kerala partnered with Indian Railways in its endeavour to develop railway network in the State of Kerala, for

fulfilling the aspirations of the people of Kerala and KRDCL is in the process of constructing a new double line rail corridor as a Semi High Speed Railway Line named as 'Silver Line' between Thiruvananthapuram and Kasaragod cities at the southern and northern ends of the Kerala state. The proposed third and fourth line between Thiruvananthapuram and Kasaragod (530 kilometers) in addition to the existing two railway lines is for facilitating semi high-speed trains which is a project included in the priority list of Government of Kerala. It is proposed to provide a greenfield corridor/parallel to the existing railway alignment which will enable running of trains at a maximum speed of 200 kilometers per hour. The project is expected to be materialized within a period of 5 years on getting approval from the Railway Board. The estimated cost of the project is Rs.63941 crores.

3. It is submitted that in tune with the study conducted and acting on the feasibility report submitted by the Government of Kerala to the Ministry of Railways, the Ministry of Railways has accorded "In-Principle Approval"(IPA) for taking up 'pre investment activities' for the project on 17.12.2019. A true copy of the order dated 17.12.2019 is produced herewith and marked as **Annexure R2(1)**. True copy of Office Memorandum No. 24(35)/PF-II/2012 dated 05/08/2016) is produced herewith and marked as **Annexure R2(2)**. It can be seen from Annexure R2(2) that Appraisal and approval of Public Funded Schemes and Projects (except matters required to be placed before cabinet committee on security), pre-investment activities including payment for land acquisition, Detailed Project Report, Construction of boundary wall, access roads, site offices, temporary accommodation etc., can be undertaken. Pre-investment activities up to Rs.100 Crore (including budgetary and extra budgetary resources) can be approved.

4. It is humbly submitted that the society as a whole in Kerala is thrilled about the project and ambitious for early completion and commissioning of the Project. Apart from offering reduced travelling time, increased comfort level and several facilities; this project would bring faster

development to the entire region it traverses through. The project provides ample scope for generation of employment opportunities during the construction stage and operational phase and development of small and medium scale industries connected to the construction activities of this project. This project is envisaged as a Green project and it will reduce the carbon foot print in Kerala; by use of renewable energy and thereby providing cleaner transport. Preliminary examination of detailed project report was done by Southern Railway/Construction and Southern Railway Headquarters. State Government of Kerala and General Manager, Southern Railway forwarded the detailed project report of this Project to Ministry of Railways for communication of final approval of Central Government. This respondent is expecting the final approval of the Central Government shortly.

5. The respondent humbly submits hereunder his Parawise reply to the Original Application filed by the applicant.

- a) **Para (1):** The averment in paragraph 1 that the applicants are aggrieved by the environmental degradation being caused by constructional activities proposed to be carried on by this respondent in violation of the environmental impact assessment notification 2006 is incorrect, false and hence denied. The Silver Line project is a railway project and do not require environmental clearance from the Ministry of Environment and Forest vide notification of MOEF dated 14.9.2006. Third respondent has conducted a Rapid (seasonal) environmental impact assessment study for preliminary inputs. A reputed institution namely the Centre of Environment and Development (CED), Thiruvananthapuram was entrusted the task to carry out Environmental (EIA) study and they have completed the study and submitted the report. No physical on-site construction work has even commenced and the petitioners are citing aggrievement purely based on assumptions and conjectures without factual basis at this stage.

b) **Para (2):** The averment in paragraph 2 that the applicants are aggrieved by the illegal manner in which this respondent is carrying out constructional activities for constructing the high-speed rail corridor without obtaining prior environmental clearance from the first respondent is incorrect, false and hence denied. The apprehension of the applicants is ill founded and the question of law raised in the application does not arise for consideration. This Respondent is the implementing agency for the proposed Silver Line (Semi High-Speed Rail from Thiruvananthapuram to Kasaragod) project nominated by Govt. of Kerala and Ministry of Railways. Silver Line is a Railway project with trains operating at 200 kmph speed and is exempted from obtaining prior Environmental clearance. Hence this respondent is not liable to obtain prior Environmental Clearance before commencing constructional activities. The list of Accredited Consultant does not include Environment Impact Assessment consultants specifically for Railways, since Railway is not covered under any sector listed in the National Accreditation Board for Education and Training (NABET) accreditation list. In any case third respondent is not duty bound to prepare an EIA report and obtain prior approval before start of construction activities. Third respondent engaged Centre for Environment & Development (CED), Thiruvananthapuram- an autonomous research and development, training and consultancy organization focusing in areas related to Environment and Development - for Environment impact assessment study. The Environment impact assessment report was prepared to assess the impact on environment, mitigation plans, analysis of alternatives; environment management plan and environment monitoring programme and make use of the same in planning process of Silver Line.

- c) **Para(3):** The classification of the project as 'Constructional Project' by the applicants in Paragraph 3 is incorrect and misleading. The railway project being implemented by this respondent is spread over 11 districts between Thiruvananthapuram and Kasaragod across a length of 530 kms.
- d) **Para (4):** The averment in paragraph 4 that this respondent is carrying out the constructional activities of the project without following any of the mandate or procedure provided in the Environment Impact Assessment 2006 is incorrect, Use and hence denied. This respondent is committed to following environment friendly construction activities and is following all the guidelines and extent policies of the regulatory authorities. Railway sector is excluded from the schedule of projects listed in the notification of Ministry of Environment and Forest (MOEF) dated 14/09/2006 and hence obtaining prior Environmental Clearance is not warranted. It is a fact that third respondent conducted Environment Impact Assessment Study by the Centre for Environment & Development (CRD), Thiruvananthapuram. The report prepared by the CED would help this respondent in planning the various activities ahead and adopt environment friendly practices, minimizing harm to environment and employ mitigation mechanisms wherever possible.
- e) **Para (5):** Various averments in paragraph 5 are mere surmises and conjectures of the applicants without any basis. It is only after considering the study and various other aspects that the Railway Board grants final approval. All Geo-technical properties of surface and sub-soil Parameters will be carefully considered by the Competent Design Engineers as per required safety standards while designing Tunnels, Bridges and all other structures. The applicants question the admissibility of Environment impact assessment report marked as Annexure A1, however, they rely on various facts brought out in the

report itself to emphasize the requirement of prior Environment Clearance for the project which is contradictory. The applicants have not brought out various mechanisms mentioned in the Environment impact assessment report to address the soil piping. This respondent is well aware and competent to assess the issues of soil piping and hazards to railway infrastructure and life and is taking steps to mitigate such impacts. This respondent has officials and consultants who have been involved in multiple similar projects over the years and are better placed to assess mitigation measures than the applicants who have no background or experience in this field. In any case, Railway sector is excluded from the schedule of projects listed in the notification of MOEF dated 14/09/2006 and hence obtaining prior Environmental clearance is not warranted. This Hon'ble Tribunal may be pleased to dismiss the petition on this sole ground itself. Further, there is no accredited consultant for Railway sector as per National Accreditation Board for Education and Training (NABET) list of Environment impact assessment marked as Annexure A3 by the applicants.

- f) **Para (6):** Various averments in paragraph 6 is incorrect, false and hence denied. The railway projects are not covered under the Environment impact assessment notification 2006. The applicants have sought to misinform and delude this Hon'ble Tribunal by producing the scheme of Accredited consultant organization as Annexure A3. The list of accredited consultants and the relevant sectors are available in the National Accreditation Board for Education and Training (NABET) website. eg, sector number 34 is for Highway projects which is as per Schedule 7(t) of MoEFCC Notification dated September 14, 2006 and subsequent Amendments, Sector number 38 is for Building and construction projects as per Schedule 8(a) of MoEFCC Notification dated September 14, 2006 and subsequent Amendments etc. The latest list of project sector definition as per NABET scheme sector 34 is for Highways alone. The list

does not include any consultant organization with NABET accreditation for Railways, which is how this project would be understood and categorized by any reasonable person. The Annexure A2 submitted by the applicants is a memorandum issued by Ministry of Environment and Forests which clearly states that 'A consultant would be confined in the consultancy only to the accredited sectors and parameters for bringing in more specificity in the Environment impact assessment document'. The applicants are trying to mislead the Hon'ble Tribunal by giving complete list of EIA accredited consultants without specifying the employability of each consultants in relevant sectors only, specifically so when there is no specific sector mentioned for Railways.

g) **Para.(7):** The averment in paragraph 7 that annexure A1, Environment impact assessment which is prepared by an unaccredited consultant is liable to be ignored/rejected is incorrect false and hence denied. As narrated above employing NABET, accredited consultant for Environment impact assessment study does not arise in the case of railway projects and no environmental clearance is required. The petitioners themselves are resorting to citing passages from the consultant when it suits their needs, while still suggesting that the Environment impact assessment study should be rejected. As already stated, neither is Railways mentioned as a sector in the NABET list nor does there exist an accredited consultant for Railways as per the list, The intentions of the applicants are not bonafide, by not bringing out the relevant related facts of sectors as per the National Accreditation Board for Education and Training (NABET) list and applicability of Environment impact assessment consultants to specific sector. The sector wise list as appearing in the website www.nabet.qci.org.in is produced herewith and marked as **AnnexureR2(3)**.

h) **Para (8):** the averment in paragraph 8 that the silver line project is a category B construction project and that the respondent has to obtain

the mandatory prior environmental clearance from the first respondent or the concerned statutory authority before commencing any constructional activities and that the same comes within 8(a) of the schedule of Environment impact assessment Notification of 2006 is incorrect, false and hence denied. It is clear that the railway projects are not required to seek environmental clearance under Environment impact assessment notification and the activities related to the Silver Line project will not come within the purview of 8(a) of the schedule of EIA notification and the same cannot be compared to a building and construction as appearing in the schedule 8 of the Environmental Notification of 2006. In a recent letter issued by Ministry of Forest, Environment and Climate Change to Indian Railway Station Development Corporation, it is reiterated that prior environmental clearance is not necessary for railway projects. A true copy of the letter dated 28.05.2021, issued by the Ministry of Environment Forest and Climate Change is produced herewith and marked as Annexure R2(4).

- i) **Para (9):** The various averments in paragraph 9 of the application is only the imagination of the applicants running wild and selectively choosing and misrepresenting parts of the Environment impact assessment report. The Environment impact assessment report gives a detailed overview on the impacts during the construction and operation phase on air environment, biological environment, water environment, noise/vibration etc. and mitigation measures to minimize the impact. The Environment impact assessment report states that 'The demand will be distributed along the alignment, at the stations, construction camps, maintenance depots, rolling stock, etc. and will be sourced from local municipal supply as well as tanker supplied water (as approved by local authorities)'. Required mitigation measures on water environment has been clearly brought out in Rapid Environment impact assessment Report Sec.4.3.3 which includes Treatment of water, identification of

water sources, proper sanitation facilities, recycle mechanisms etc. The Silver Line project is envisaged as a green project which would help in reducing pollution and the apprehension on the applicants that the project requires environmental clearance is ridiculous. This project is conceived fully as a green project utilizing renewable energy sources.

- j) **Para (10)**: The averment in paragraph 10 that the project proposed by this respondent is falling in entry 8 of schedule, that the building and construction or area development projects and township projects are covered under entry 8 categorized into 8(a) and 8(b) respectively is incorrect, false and hence denied. The project is not a building/construction project or town ship project to enforce the applicability of Schedule 8 under Environment impact assessment notification 2006. The judgment of the Hon'ble National Green Tribunal, Principal Bench New Delhi in Original Application NO.478/2015 pronounced on 31st May 2016 in the matter of Vikranth Tongad Vs Noida Metro Rail Corporation and relied on by the applicants stands stayed by the Hon'ble Supreme Court in Civil Appeal No.876/2016 and Civil Appeal No.9070/2016 vide order dated 16.9.2016. A true copy of the record of proceedings in Civil Appeal No.876/2016 and Civil Appeal No.9070/2016 is produced herewith and marked as Annexure R2(5).
- k) **Para (11)**: The various averments in paragraph 11 touching the EIA notification 2006 is incorrect and unsustainable. Nature of Building and Construction projects are listed under schedule 8(a) and Township projects are listed under Schedule 8(b) in the notification of MOEF dated 14/09/2006. The land area requirement for Silver Line is 1383 Ha as per detailed project report, with a breakup of 1082 Ha for alignment and 246 Ha for station area which includes open parking area, Circulating Area, and similar open area. Section 8(a)/8(b) in the MOEF (Ministry of Environment and Forest) Notification dated 14/09/2006 is for Building/Construction projects/Area Development projects and

Townships and it is clear that station area does not come under that category. This respondent is not liable to obtain prior environmental clearance from the 1st respondent or the concerned statutory authority before commencing any constructional activities as the same does not come with 8(a)/8(b) of the Schedule of the EIA Notification, 2006. The applicability of Environment impact assessment notification 2006 to Railway Projects is pending consideration before the Hon'ble Supreme Court and the Hon'ble Supreme Court was prima facie convinced that the notification does not apply to Railway Projects while granting stay on the judgment of the National Green Tribunal, Principal Bench, New Delhi.

- 1) **Para (12):** The averments in paragraph 12 that the project falls under entry 8 of notification 2006 and this respondent is required to obtain environmental clearance before proceeding with the construction phase is unfounded for reasons submitted above. The project would reduce pollution and dependence on cars and trucks for travel and transportation of goods. The project would bring development in the state in a big way. Feasibility study and detailed project reports are made after examining all the relevant factors including environmental issues. All mandatory permissions and clearances will be obtained from the concerned authorities as require.
- a) **Ato K:** None of the grounds raised in the application are tenable. The Environment impact assessment report is proper and well founded. As narrated above the project does not require any environmental clearance being a railway project. This respondent is following all rules and regulations set by all concerned ministries and is duty bound to obtain all necessary clearances from the regulatory bodies. The list of accredited consultants and the relevant sectors are available in the NABET website http://eia.nabet.qci.org.in/Accredited_EIA_Consultant.aspx. The list does not include any consultant organization with NABET accreditation for Railways. The applicants are misleading the Hon'ble Tribunal by

giving complete list of Environment impact assessment accredited consultants without specifying the employability of each consultant in relevant sectors only, specifically when there is no specific sector mentioned for Railways. All parameters and specifications have been carefully considered by the competent Design Engineers as per required Environment impact assessment standards while designing all structures in the project. Even though the subject project does not require prior Environmental clearance, third Respondent engaged a reputed agency to carryout Environment impact assessment Study. The Rapid Environment impact assessment report clearly depicts the anticipated Environment impacts, mitigation measures, analysis of alternatives and Environment Management Plan/Environment Monitoring Programme.

- b) The applicants have failed to bring out the detailed study on the environmental baseline data brought out in the Environment impact assessment report, Chapter 3 produced as Annexure A1. The chapter highlights regional physical settings (topography, physiography, and drainage pattern), ambient air/water quality, geological and seismic aspects, natural hazards, soil quality, flora and fauna, noise level and other socio-economic aspects. The Silver line project alignment was carefully selected so that it does not pass through any Reserve forests or Eco sensitive areas.
- c) The Mangroves along the alignment shall be identified and necessary approval from the Forest Department will be obtained at appropriate stage. Mangrove Conservation plan shall be drawn out and all the necessary clearances shall be obtained from competent authority. At this stage, third respondent decided to go forward with a Comprehensive Environmental impact assessment for a holistic assessment of environmental risks and explore mitigation mechanisms. This

respondent is in discussion with various agencies and is in the process of finalizing the terms of reference duly including public consultation and Social Impact Assessment study. This clearly shows the commitment of third respondent towards environment and its conversation and its commitment in following precautionary principle to prevent harm. Third respondent is committed to follow all rules and regulations and obtain all necessary sanctions as per extant rules.

d) The Hon'ble High Court of Kerala has occasion to consider four writ petitions WP(C) Nos.18002/2020, 22318/2020, 23794/2020 and 23860/2020 which inter alia sought a direction to the respondents therein including this respondent not to proceed with acquisition proceeding for the proposed semi high speed corridor from Thiruvanthapuram to Kasaragod without sanction approval from the Government of India, the Railway Board and other statutory authorities. There was a further prayer to declare that the proposed Semi High Speed Rail Corridor is technically not feasible as it adversely affects the environment and therefore is liable to be dropped. The Hon'ble High Court of Kerala has rejected all the contentions raised by the petitioners therein and dismissed the writ petitions. A true copy of the judgment in WPC No.18002/2020 and connected writ petitions is produced herewith and marked as **Annexure R2(6)**.

e) The ambitious plan of taking vehicles off the road by proposed RORO (Roll on Roll off) services in the Silver line project will be a game changer in the arena of transport industry. This project boasts of reduction in greenhouse gas emissions to the tune of 2.8 Lakh tone per year. Any developmental activity needs to be considered in the light of tradeoffs between benefits and impacts and this project specifically aims to reduce environmental impacts through measures like use of 100% renewable energy, introduction of RORO services, recycle reusable concrete, battery operated feeder services etc and provide a sustainable

transportation model for the state. It is also to be noted that this respondent is committed to addressing and mitigating any negative impacts which may arise as well.

- f) The Environment Impact Assessment report was prepared duly taking care of all the aspects of Silver Line, as impact, implications, repercussions and mitigation plans, this respondent assumes the responsibility to engage agencies responsible for mitigation mechanisms and monitor the same., it is to be noted that funding for Silver Line project is likely to be from multilateral funding agencies which has strict standards for monitoring the environment and social standards similar to ESS (Environmental and Social Standards) frame work of World Bank. It is also submitted that the necessary clearances required for the Ministry of Environment Forest and Climate change (MoEFCC) viz, CRZ (Coastal Regulatory Zone) clearance and clearance from Ministry of Forest shall be obtained for the project as per extant guidelines.
- g) At this stage third respondent decided to go forwarded with a comprehensive EIA for a holistic assessment of environmental risks and explore mitigation mechanisms by doing an elaborate study. Third respondent is in discussion with various agencies and is in the process of finalizing the terms of reference duly including public consultation. This shows the commitment of Kerala Rail Development Corporation Limited towards environment goals. Final sanction from the Central Government (Ministry of Railways) is necessary to go forward with the constructional activities. However, the preliminary activities like survey, preparation of DPR, preparatory land acquisition activities, etc can be undertaken with the 'In-Principle Approval' granted from Ministry of Railways.
- h) The applicants are not aggrieved persons as contemplated under section 2(J) of the National Green Tribunal Act 2010. There is no irreparable

damage to the environment and protection of environment have been given precedence over economic interest and all these aspects will be considered by the Ministry of railways prior to the grant of final approval. The applicants are not entitled to any relief merely on suspicion of environmental damage narrated in the application without any proper study. The applicants are not competent and the averments and allegations raised in the application are without any basis.

- i) Experts have assessed the impact of this project including activities relating to development consequences and effect on environment based on such report that 'In-principle approval' was granted by the Ministry of Railways. Apart from Indian Railways; there are various examples of Metro Rail projects, Dedicated Freight Corridor (Eastern and Western corridors) and Mumbai Ahmedabad High Speed Line; where construction activities started without prior environmental clearance being granted. The necessary clearances as mandated by MoEFCC (eg, CRZ, forest, wildlife -as applicable) were obtained by these projects which will be obtained by this respondent for Silver Line project also.

For the reasons stated above, it is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the above application filed by the applicant with exemplary cost and pass suitable order and thus render Justice.

Dated at Chennai on this the 3rd day of November, 2021



(E.K.Kumaresan)

Counsel for R2

Standing Counsel for

State Government of Kerala

NGT(SZ) Chennai Bench

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL
(SOUTHERN ZONE) CHENNAI
O.A. No. 72 of 2020**

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RESPONDENT

M/s. E. K. KUMARESAN
Counsel for R2
Standing Counsel for State Government of
Kerala
NGT (SZ) Chennai Bench.



SN2 – OA.72/2021

നമ്പർ

കേരളാ അഡ്വക്കേറ്റ് ജനറലിന്റെ കാര്യാലയം,
എറണാകുളം, കൊച്ചി-682 031

പ്രേഷിതൻ

അഡ്വക്കേറ്റ് ജനറൽ
കേരളം

ഫോൺ { 0484 2395050
2395052
2395078
ഫാക്സ് : 0484 2394674

E-mail : advocategeneralkerala@gmail.com

07/10/2021

തീയതി

E.K. Kumaresan,
Standing Counsel,
National Green Tribunal,
M/s. EKK Legal,
No.6, Indian Chamber (SICCI),
Annex Building, Ground Floor,
Esplanade, Chennai- 600 108.

Sir,

Sub:- OA.72/2021 filed before Hon'ble National Green Tribunal Chennai
by P.R. Sajikumar & Another – Reg.

- Ref:- 1. Lr. No. D2/77/2021/TRANS dated 03/09/21 from Principal Secretary,
Transport (D) Department.
- 2. E-Mail dated 7.10.2021 from Principal Secretary, Transport (D)
Department.

Kind attention is invited to the reference cited. I am directed to forward herewith a copy of Statement of Facts from Principal Secretary, Transport (D) Department duly approved by Hon'ble Advocate General for further necessary action.

Yours faithfully,
Sd/-
V.S. Rajeshkumar
Deputy Secretary,
for Advocate General
PH.NO. 04842564930

Encl: As above

Approved for issue,

Mangal Hassan
Section Officer.

Most Urgent**GOVERNMENT OF KERALA**

Transport (D) Department

No.D2/77/2021/TRANS

07/10/2021,Thiruvananthapuram

From

The Principal Secretary to Government

To

Advocate General
Kerala, Ernakulam.

Sir,

Sub:- Transport Department - OA No.72/2021 filed by Sri.P.R.Sasikumar and another before the Hon'ble National Green Tribunal - Reg.

Ref:- 1. Government letters of even number dated 03.09.2021 & 22.09.2021.
2. Your letter No.SN2 OA 72/2021 dated 22.09.2021.

I am to invite your attention to the reference cited and to inform you that the Statement of Facts in OA No.72/2021 filed by Sri.P.R.Sasikumar and another, forwarded vide reference 1st cited, is for and on behalf of the Chief Secretary, Government of Kerala (2nd Respondent) and the Statement of Facts is sufficient for onward transmission to the Standing Counsel for filing Affidavit before the Hon'ble National Green Tribunal.

Yours Faithfully,

Vijairaj J
Under Secretary
For Principal Secretary to Government.

L-

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL(SZ)
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In tune with the study conducted and acting on the feasibility report submitted by the Government of Kerala to the Ministry of Railways, the Ministry of Railways has accorded "In-Principle Approval"(IPA) for taking up 'pre investment activities' for the project on 17.12.2019. A true copy of the order dated 17.12.2019 is produced herewith and marked as **Annexure R2(1)**. True copy of Office Memorandum No. 24(35)/PF-II/2012 dated 05/08/2016) is produced herewith and marked as **Annexure R2(2)**. It can be seen from Annexure R2(2) that Appraisal and approval of Public Funded Schemes and Projects (except matters required to be placed before cabinet committee on security), pre-investment activities including payment for land acquisition, Detailed Project Report, Construction of boundary wall, access roads, site offices, temporary accommodation etc., can be undertaken. Pre-investment activities up to Rs.100 Crore (including budgetary and extra budgetary resources) can be approved.

The society as a whole in Kerala is thrilled about the project and ambitious for early completion and commissioning of the Project. Apart from offering reduced travelling time, increased comfort level and several facilities; this project would bring faster development to the entire region it traverses through. The project provides ample scope for generation of employment opportunities during the construction stage and operational phase;and development of small and medium scale industries connected to the construction activities of this project. This project is envisaged as a Green project and it will reduce the carbon foot print in Kerala; by use of renewable energy and thereby providing cleaner transport. Preliminary examination of Detailed project report was done by Southern Railway/Construction and Southern Railway Headquarters.State Government of Kerala and General Manager, Southern Railway forwarded the detailed project report of this Project to Ministry of Railways for communication of final approval of Central Government. This respondent is expecting the final approval of the Central Government shortly.

Parawise reply

Para (1): The averment in paragraph 1 that the applicants are aggrieved by the environmental degradation being caused by constructional activities proposed to be carried on by this respondent in violation of the environmental impact assessment notification 2006 is incorrect, false and hence denied. The Silver Line project is a railway project and do not require environmental clearance from the Ministry of Environment and Forest vide notification of MOEF dated 14.9.2006. Third respondent has conducted a Rapid (seasonal) environmental impact assessment study for preliminary inputs. A reputed institution namely the Centre of Environment and Development (CED), Thiruvananthapuram was entrusted the task to carry out Environmental (EIA) study and they have completed the study and submitted the report. No physical on-site construction work has even commenced and the petitioners are citing aggrievement purely based on assumptions and conjectures without factual basis at this stage.

Para (2): The averment in paragraph 2 that the applicants are aggrieved by the illegal manner in which this respondent is carrying out constructional activities for constructing the high speed rail corridor without obtaining prior environmental clearance from the first respondent is incorrect, false and hence denied. The apprehension of the applicants is ill founded and the question of law raised in the application does not arise for consideration. This Respondent, is the implementing agency for the proposed SilverLine (Semi High Speed Rail from Thiruvananthapuram to Kasaragod) project nominated by Govt. of Kerala and Ministry of Railways. Silver Line is a Railway project with trains operating at 200 kmph speed and is exempted from obtaining prior Environmental clearance. Hence this respondent is not liable to obtain prior Environmental Clearance before commencing constructional activities. The list of Accredited Consultant does not include Environment Impact Assessment consultants specifically for Railways, since Railway is not covered under any sector listed in the National Accreditation Board for Education and Training (NABET) accreditation list. In any case third respondent is not duty bound to prepare an EIA report and obtain prior approval before start of construction activities. Third respondent engaged Centre for Environment & Development (CED), Thiruvananthapuram- an autonomous research and development, training and consultancy organization focusing in areas related to Environment and Development - for Environment impact assessment study. The Environment impact assessment report was prepared to assess the impact on environment, mitigation plans, analysis of alternatives, environment

management plan and environment monitoring programme and make use of the same in planning process of Silver Line.

Para(3): The classification of the project as 'Constructional Project' by the applicants in Paragraph 3 is incorrect and misleading. The railway project being implemented by this respondent is spread over 11 districts between Thiruvananthapuram and Kasaragod across a length of 530 kms.

Para (4): The averment in paragraph 4 that this respondent is carrying out the constructional activities of the project without following any of the mandate or procedure provided in the Environment Impact Assessment 2006 is incorrect, false and hence denied. This respondent is committed to following environment friendly construction activities and is following all the guidelines and extent policies of the regulatory authorities. Railway sector is excluded from the schedule of projects listed in the notification of Ministry of Environment and Forest(MOEF) dated 14/09/2006 and hence obtaining prior Environmental Clearance is not warranted.It is a fact that third respondent conducted Environment Impact Assessment Study by the Centre for Environment & Development (CED), Thiruvananthapuram.The report prepared by the CED would help this respondent in planning the various activities ahead and adopt environment friendly practices; minimizing harm to environment and employ mitigation mechanisms wherever possible.

Para (5): Various averments in paragraph 5 are mere surmises and conjectures of the applicants without any basis. It is only after considering the study and various other aspects that the Railway Board grants final approval. All Geo-technical properties of surface and sub-soil Parameters will be carefully considered by the Competent Design Engineers as per required safety standards while designing Tunnels, Bridges and all other structures. The applicants question the admissibility of Environment impact assessment report marked as Annexure A1, however, they rely on various facts brought out in the report itself to emphasis the requirement of prior Environment Clearance for the project which is contradictory. The applicants have not brought out various mechanisms mentioned in the Environment impact assessment report to address the soil piping. This respondent is well aware and competent to assess the issues of soil piping and hazards to railway infrastructure and life and is taking steps to mitigate

such impacts. This respondent has officials and consultants who have been involved in multiple similar projects over the years and are better placed to assess mitigation measures than the applicants who have no background or experience in this field. In any case, Railway sector is excluded from the schedule of projects listed in the notification of MOEF dated 14/09/2006 and hence obtaining prior Environmental clearance is not warranted. This Honourable Tribunal may be pleased to dismiss the petition on this sole ground itself. Further, there is no accredited consultant for Railway sector as per National Accreditation Board for Education and Training (NABET) list of Environment impact assessment marked as Annexure A3 by the applicants.

Para (6): Various averments in paragraph 6 is incorrect, false and hence denied. The railway projects are not covered under the Environment impact assessment notification 2006. The applicants have sought to misinform and delude this Hon'ble Tribunal by producing the scheme of Accredited consultant organization as Annexure A3. The list of accredited consultants and the relevant sectors are available in the National Accreditation Board for Education and Training (NABET) website. eg, sector number 34 is for Highway projects which is as per Schedule 7(f) of MoEFCC Notification dated September 14, 2006 and subsequent Amendments, Sector number 38 is for Building and construction projects as per Schedule 8(a) of MoEFCC Notification dated September 14, 2006 and subsequent Amendments etc. The latest list of project sector definition as per NABET scheme sector 34 is for Highways alone. The list does not include any consultant organization with NABET accreditation for Railways, which is how this project would be understood and categorized by any reasonable person. The Annexure A2 submitted by the applicants is a memorandum issued by Ministry of Environment and Forests which clearly states that 'A consultant would be confined in the consultancy only to the accredited sectors and parameters for bringing in more specificity in the Environment impact assessment document'. The applicants are trying to mislead the Hon'ble Tribunal by giving complete list of EIA accredited consultants without specifying the employability of each consultants in relevant sectors only, specifically so when there is no specific sector mentioned for Railways.

Para (7): The averment in paragraph 7 that annexure A1, Environment impact assessment which is prepared by an unaccredited consultant is

liable to be ignored/rejected is incorrect false and hence denied. As narrated above employing NABET, accredited consultant for Environment impact assessment study does not arise in the case of railway projects and no environmental clearance is required. The petitioners themselves are resorting to citing passages from the consultant when it suits their needs, while still suggesting that the Environment impact assessment study should be rejected. As already stated, neither is Railways mentioned as a sector in the NABET list nor does there exist an accredited consultant for Railways as per the list. The intentions of the applicants are not bonafide, by not bringing out the relevant related facts of sectors as per the National Accreditation Board for Education and Training (NABET) list and applicability of Environment impact assessment consultants to specific sector. The sector wise list as appearing in the website www.nabet.qci.org.in is produced herewith and marked as **AnnexureR2(3)**.

Para (8): The averment in paragraph 8 that the silver line project is a category B construction project and that the respondent has to obtain the mandatory prior environmental clearance from the first respondent or the concerned statutory authority before commencing any constructional activities and that the same comes within 8(a) of the schedule of Environment impact assessment Notification of 2006 is incorrect, false and hence denied. It is clear that the railway projects are not required to seek environmental clearance under Environment impact assessment notification and the activities related to the Silver Line project will not come within the purview of 8(a) of the schedule of EIA notification and the same cannot be compared to a building and construction as appearing in the schedule 8 of the Environmental Notification of 2006. In a recent letter issued by Ministry of Forest, Environment and Climate Change to Indian Railway Station Development Corporation, it is reiterated that prior environmental clearance is not necessary for railway projects. A true copy of the letter dated 28.05.2021, issued by the Ministry of Environment Forest and Climate Change is produced herewith and marked as **Annexure R2(4)**.

Para (9): The various averments in paragraph 9 of the application is only the imagination of the applicants running wild and selectively choosing and misrepresenting parts of the Environment impact assessment report. The Environment impact assessment report gives a detailed overview on the impacts during the construction and operation phase on air

environment, biological environment, water environment, noise/vibration etc and mitigation measures to minimize the impact. The Environment impact assessment report states that 'The demand will be distributed along the alignment, at the stations, construction camps, maintenance depots, rolling stock, etc. and will be sourced from local municipal supply as well as tanker supplied water (as approved by local authorities)'. Required mitigation measures on water environment has been clearly brought out in Rapid Environment impact assessment Report Sec.4.3.3 which includes Treatment of water, identification of water sources, proper sanitation facilities, recycle mechanisms etc. The Silver Line project is envisaged as a green project which would help in reducing pollution and the apprehension on the applicants that the project requires environmental clearance is ridiculous. This project is conceived fully as a green project utilizing renewable energy sources.

Para (10): The averment in paragraph 10 that the project proposed by this respondent is falling in entry 8 of schedule, that the building and construction or area development projects and township projects are covered under entry 8 categorized into 8(a) and 8(b) respectively is incorrect, false and hence denied. The project is not a building/construction project or town ship project to enforce the applicability of Schedule 8 under Environment impact assessment notification 2006. The judgment of the Honourable National Green Tribunal, Principal Bench New Delhi in Original Application NO.478/2015 pronounced on 31st May 2016 in the matter of Vikranth Tongad Vs Noida Metro Rail Corporation and relied on by the applicants stands stayed by the Honourable Supreme Court in Civil Appeal No.876/2016 and Civil Appeal No.9070/2016 vide order dated 16.9.2016. A true copy of the record of proceedings in Civil Appeal No.876/2016 and Civil Appeal No.9070/2016 is produced herewith and marked as Annexure R2(5).

Para (11): The various averments in paragraph 11 touching the EIA notification 2006 is incorrect and unsustainable. Nature of Building and Construction projects are listed under schedule 8(a) and Township projects are listed under Schedule 8(b) in the notification of MOEF dated 14/09/2006. The land area requirement for Silver Line is 1383 Ha as per detailed project report, with a breakup of 1082 Ha for alignment and 246 Ha for station area which includes open parking area, Circulating Area, and similar open area. Section 8(a)/8(b) in the MOEF (Ministry of

Environment and Forest) Notification dated 14/09/2006 is for Building /Construction projects/Area Development projects and Townships and it is clear that station area does not come under that category. This respondent is not liable to obtain prior environmental clearance from the 1st respondent or the concerned statutory authority before commencing any constructional activities as the same does not come with 8(a)/8(b) of the Schedule of the EIA Notification, 2006. The applicability of Environment impact assessment notification 2006 to Railway Projects is pending consideration before the Honourable Supreme Court and the Honourable Supreme Court was prima facie convinced that the notification does not apply to Railway Projects while granting stay on the judgment of the National Green Tribunal, Principal Bench, New Delhi.

Para (12):The averments in paragraph 12 that the project falls under entry 8 of the notification 2006 and this respondent is required to obtain environmental clearance before proceeding with the construction phase is unfounded for reasons submitted above. The project would reduce pollution and dependence on cars and trucks for travel and transportation of goods. The project would bring development in the state in a big way. Feasibility study and detailed project reports are made after examining all the relevant factors including environmental issues. All mandatory permissions and clearances will be obtained from the concerned authorities as required.

GROUNDS

A to K: None of the grounds raised in the application are tenable. The Environment impact assessment report is proper and well founded. As narrated above the project does not require any environmental clearance being a railway project. This respondent is following all rules and regulations set by all concerned ministries and is duty bound to obtain all necessary clearances from the regulatory bodies. The list of accredited consultants and the relevant sectors are available in the NABET website http://eia.nabet.qci.org.in/Accredited_EIA_Consultant.aspx. The list does not include any consultant organization with NABET accreditation for Railways. The applicants are misleading the Hon'ble Tribunal by giving complete list of Environment impact assessment accredited consultants without specifying the employability of each

consultants in relevant sectors only, specifically when there is no specific sector mentioned for Railways. All parameters and specifications have been carefully considered by the competent Design Engineers as per required Environment impact assessment standards while designing all structures in the project. Even though the subject project does not require prior Environmental clearance, third Respondent engaged a reputed agency to carryout Environment impact assessment Study. The Rapid Environment impact assessment report clearly depicts the anticipated Environment impacts, mitigation measures, analysis of alternatives and Environment Management Plan/Environment Monitoring Programme.

The applicants have failed to bring out the detailed study on the environmental baseline data brought out in the Environment impact assessment report, Chapter 3 produced as Annexure A1. The chapter highlights regional physical settings (topography, physiography, and drainage pattern), ambient air/water quality, geological and seismic aspects, natural hazards, soil quality, flora and fauna, noise level and other socio-economic aspects. The Silver line project alignment was carefully selected so that it does not pass through any Reserve forests or eco-sensitive areas.

The Mangroves along the alignment shall be identified and necessary approval from the Forest Department will be obtained at appropriate stage. Mangrove Conservation plan shall be drawn out and all the necessary clearances shall be obtained from competent authority. At this stage, third respondent decided to go forward with a Comprehensive Environmental impact assessment for a holistic assessment of environmental risks and explore mitigation mechanisms. This respondent is in discussion with various agencies and is in the process of finalizing the terms of reference duly including public consultation and Social Impact Assessment study. This clearly shows the commitment of third respondent towards environment and its conservation and its commitment in following precautionary principle to prevent harm. Third respondent is committed to follow all rules and regulations and obtain all necessary sanctions as per extant rules.

The Honourable High Court of Kerala had occasion to consider four writ petitions WP(C) Nos.18002/2020, 22318/2020, 23794/2020 and

23860/2020 which inter alia sought a direction to the respondents therein including this respondent not to proceed with acquisition proceeding for the proposed semi high speed corridor from Thiruvanthapuram to Kasaragod without sanction approval from the Government of India, the Railway Board and other statutory authorities. There was a further prayer to declare that the proposed Semi High Speed Rail Corridor is technically not feasible as it adversely affects the environment and therefore is liable to be dropped. The Honourable High Court of Kerala has rejected all the contentions raised by the petitioners therein and dismissed the writ petitions. A true copy of the judgment in WPC No.18002/2020 and connected writ petitions is produced herewith and marked as **Annexure R2(6)**.

The ambitious plan of taking vehicles off the road by proposed RORO (Roll on Roll off) services in the Silver line project will be a game changer in the arena of transport industry. This project boasts of reduction in greenhouse gas emissions to the tune of 2.8 Lakh tone per year. Any developmental activity needs to be considered in the light of tradeoffs between benefits and impacts and this project specifically aims to reduce environmental impacts through measures like use of 100% renewable energy, introduction of RORO services, recycle reusable concrete, battery operated feeder services etc and provide a sustainable transportation model for the state. It is also to be noted that this respondent is committed to addressing and mitigating any negative impacts which may arise as well.

The Environment Impact Assessment report was prepared duly taking care of all the aspects of Silver Line, as impact, implications, repercussions and mitigation plans, this respondent assumes the responsibility to engage agencies responsible for mitigation mechanisms and monitor the same., it is to be noted that funding for Silver Line project is likely to be from multilateral funding agencies which has strict standards for monitoring the environment and social standards similar to ESS (Environmental and Social Standards) frame work of World Bank. It is also submitted that the necessary clearances required for the Ministry of Environment Forest and Climate change(MoEFCC) viz, CRZ (Coastal Regulatory Zone) clearance and clearance from Ministry of Forest shall be obtained for the project as per extant guidelines.

At this stage third respondent decided to go forward with a comprehensive

EIA for a holistic assessment of environmental risks and explore mitigation mechanisms by doing an elaborate study. Third respondent is in discussion with various agencies and is in the process of finalizing the terms of reference duly including public consultation. This shows the commitment of Kerala Rail Development Corporation Limited towards environment goals. Final sanction from the Central Government (Ministry of Railways) is necessary to go forward with the constructional activities. However, the preliminary activities like survey, preparation of DPR, preparatory land acquisition activities, etc can be undertaken with the 'In-Principle Approval' granted from Ministry of Railways.

The applicants are not aggrieved persons as contemplated under section 2(J) of the National Green Tribunal Act 2010. There is no irreparable damage to the environment and protection of environment have been given precedence over economic interest and all these aspects will be considered by the Ministry of railways prior to the grant of final approval. The applicants are not entitled to any relief merely on suspicion of environmental damage narrated in the application without any proper study. The applicants are not competent and the averments and allegations raised in the application are without any basis.

Experts have assessed the impact of this project including activities relating to development consequences and effect on environment based on such report that 'In-principle approval' was granted by the Ministry of Railways. Apart from Indian Railways; there are various examples of Metro Rail projects, Dedicated Freight Corridor (Eastern and Western corridors) and Mumbai Ahmedabad High Speed Line; where construction activities started without prior environmental clearance being granted. The necessary clearances as mandated by MoEFCC (eg, CRZ, forest, wildlife - as applicable) were obtained by these projects which will be obtained by this respondent for Silver Line project also.

Therefore, it is most humbly prayed that this Honourable Tribunal may be pleased to dismiss the above application filed by the applicants with exemplary cost.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

New Delhi, dated 17.12.2019

2019/JV Cell/KRDCL/SHSRC

Chief Secretary,
Government of Kerala Secretariat,
Central Stadium, Mahathma Gandhi Road,
Near, Junction, Palayam,
Thiruvananthapuram, Kerala - 695001

Sub: In "Principle Approval" for construction of 3rd and 4th line between Thiruvananthapuram and Kasargod (540 km)- Semi High Speed Rail Corridor.

KRDCL vide letter no. 069/KRDCL/2017 dt. 14.08.2019 has requested to process the proposal for construction of 3rd and 4th line between Thiruvananthapuram and Kasargod (540 km)- Semi High Speed Rail Corridor for taking up pre-investment activities in terms of Ministry of Finance letter no. 24(35)/PF-II.2012 dt. 05.08.2016.

The proposal of KRDCL has been examined in Ministry of Railways and competent authority has accorded In-Principal Approval (IPA) for taking up pre-investment activities for above mentioned project.

11121/2019
(D.K. Mishra)
Dir./MTP
Railway Board
Ph. 011-47845480

Copy for kind information to:

1. Advisor (Transport), Advisor (PAMD), Niti Aayog, Yojana Bhawan, New Delhi.
2. General Manager, Southern Railway, Chennai.
3. AM (Works), AM (Planning), AM (Finance), AM (Traffic), Railway Board.
4. PCE, COM, PFA, CAO/C, Southern Railway, Chennai.
- ✓ 5. Managing Director, Kerala Rail Development Corporation Ltd., Trans Towers, 5th Floor, Vazhuthacaud, Thiruvananthapuram, Kerala- 695014

Copy to:

1. PSO/CRB, FC, MT, ME, MRS, MTR, MS, M(S&T) & M(MM) for kind information of Board Members.

No. 24(35)/PF-II/2012
 Government of India
 Ministry of Finance
 Department of Expenditure

North Block, New Delhi.
 Dated: 05 August, 2016

OFFICE MEMORANDUM

Subject: Appraisal and Approval of Public Funded Schemes and Projects (except matters required to be placed before the Cabinet Committee on Security)

Reference is invited to this Department OM no. 24(35)/PF-II/2012 dated 29th Aug, 2014 regarding the guidelines for formulation, appraisal and approval of Public Funded Plan Schemes and Projects. With the announcement in the Union Budget 2016-17 of doing away with Plan Non-Plan distinction at the end of Twelfth Five Year Plan, it is imperative that a plan non-plan neutral appraisal and approval system is put into place. After a comprehensive review of the extant guidelines in this regard, the revised guidelines placed below will henceforth apply to the formulation, appraisal and approval of public funded schemes and projects, except matters required to be placed before the Cabinet Committee on Security.

2. **Schemes** are program based cost centres through which the Ministries and Departments spend their budgetary and extra-budgetary resources for delivery of public goods and services to the citizens. They are of two types:

- a) *Central Sector Schemes* are implemented by the Central Ministries/Departments through their designated implementation agencies and funds are routed through the functional heads relevant for the sector.
- b) *Centrally Sponsored Schemes* are implemented within the domain of National Development Agenda identified by the Committee of Chief Ministers constituted by NITI Aayog. They can have both *Central and State Components*. While the former are fully funded by the Central Government and implemented through functional heads like the central sector schemes in para-a above, the latter are routed through the inter-governmental transfer heads 3601/3602. The expenditure on State Components is shared between the Central and State Governments in accordance with the fund sharing pattern approved for the purpose.

3. **Projects** are best understood by the common-sense usage of the term. They involve one-time expenditure resulting in creation of capital assets, which could yield financial or economic returns or both. Projects may either be approved on stand-alone basis or as individual projects within an approved scheme envelope. They may be executed through budgetary, extra-budgetary resources, or a combination of both.

4. **Rationalization:** It was found that over the years Ministries/Departments had started operating small and multiple schemes, which spread resources too thinly to realise any meaningful outcomes. In the run up to the Union Budget 2016-17, Schemes were rationalized in consultation with the implementing Ministries/Departments. As per para 113 of the Budget Speech 2016, the number of Central Sector Schemes was brought down to around 300 and the number of Centrally Sponsored Schemes to around 30. However, this exercise is not an end in itself. In reiteration of the standing instructions in this regard and to ensure efficient management of public expenditure at all times, it is directed that henceforth:

- i. No new Scheme or Sub-Scheme will be initiated without the prior "in-principle" approval of the Department of Expenditure. This will, however, not apply to the announcements made in the Budget Speech for any given year.
- ii. The Statement of Budget Estimates should be prepared in accordance with the approved scheme architecture and any deviation in this regard should be *a priori* agreed with the concerned division of the Department of Expenditure.
- iii. Administrative Ministries/Departments should continuously endeavour to merge, restructure or drop existing schemes and sub-schemes that have become redundant or ineffective with the passage of time. For this, the restriction of in-principle approval mentioned in para-(i) above will not apply.
- iv. Department of Expenditure reserves the right to merge, restructure or drop any existing scheme or sub-scheme, in consultation with the Administrative Department concerned to enhance efficiency and improve economies of scale in the execution of government programs.

5. Formulation: The quality of Scheme or Project Formulation is the key bottleneck leading to poor execution at the implementation stage, including time and cost over-runs, often resulting in a series of revised cost estimates. Additional time and effort spent at the scheme/ project formulation stage can not only save precious resources, but also enhance the overall impact, leading to a qualitative improvement in outcomes.

For all new Schemes, a Concept Paper should be prepared while seeking in-principle approval, holding stakeholder consultations, conduct of pilot studies etc. While submitting proposals for continuation of on-going schemes, a careful rationalization must be done through merger and dropping of redundant schemes. The feedback from the formulation stage should be used for improving the scheme design so that a Detailed Paper can be presented for appraisal at the EFC stage.

Similarly, project preparation should commence with a Feasibility Report, which helps establish the project is techno-economically sound and resources are available to finance the project. It provides a firm basis for starting land acquisition, approval of pre-investment activities, etc. In-principle approval for initiating a project will be granted by the Financial Adviser concerned after examining project feasibility and availability of financial resources.

Generic structure of a Detailed Paper for Schemes/Detailed Project Report for Projects is given at Annex-I. While designing new schemes/sub-schemes, the core principles to be kept in mind are economies of scale, separability of outcomes and sharing of implementation machinery. Schemes which share outcomes and implementation machinery should not be posed as independent schemes, but within a unified umbrella program with carefully designed convergence frameworks.

6. Appraisal: The Institutional framework for appraisal of Schemes and Projects is given at Annex-II. Depending on the level of delegation, the Schemes will be appraised by the Expenditure Finance Committee (EFC) or the Standing Finance Committee (SFC), while Projects will be similarly appraised by the Public Investment Board (PIB) or the Delegated Investment Board (DIB). The step-wise time-lines for appraisal are given at Annex-III. The formats for submitting Schemes and Project Proposals are given at Annex-IVA and Annex-IVB respectively. For Schemes, a Concept/Detailed Paper which outlines the overall scheme

architecture and its main structural elements should be attached. Similarly, for Projects either the Feasibility or the Detailed Project Report should be attached. *The word Scheme is used here in a generic sense.* It includes programs (umbrella schemes), schemes and sub-schemes, which, depending on the need, may be appraised as stand-alone cost centres.

7. New Bodies: No new Company, Autonomous Body, Institution/University or other Special Purpose Vehicle should be set up without the approval of the Cabinet/Committee of the Cabinet, irrespective of the outlay, or any delegation that may have been issued in the past. All such cases would be appraised by the Committee of Establishment Expenditure chaired by the Expenditure Secretary for which separate orders will be issued by the Pers. Division. If setting up of a New Body involves project work, combined CEE/EFC/PIB may be held.

8. Original Cost Estimates: The delegation of powers for appraisal and approval of *Original Cost Estimates (OCE)* is given in the table below.

Scheme/Project Appraisal		Scheme/Project Approval	
Cost (Rs. Cr.)	Appraisal by	Cost (Rs. Cr.)	Approval by
Up to 100	The Financial Adviser	Up to 100	Secretary of the Administrative Department
> 100 & up to 500	SFC/DIB Chaired by Secretary of the Admn. Dept.	> 100 & up to 500	Minister-in-charge of the Administrative Department
> 500	EFC/PIB Chaired by the Expenditure Secretary, except departments/schemes/projects for which special dispensation has been notified by the Competent Authority	> 500 & up to 1000	Minister-in-charge of the Admn. Dept. and Finance Minister, except where special powers have been delegated by the Finance Ministry
		> 1000	Cabinet/Committee of the Cabinet concerned with the subject

Note: 1. The financial limits above are with reference to the total size of the Scheme/Project being posed for appraisal and includes budgetary support, extra-budgetary resources, external aid, debt/equity/loans, state share, etc.

2. Financial Advisers may refer any financial matter and may also seek participation of the Department of Expenditure in the SFC/DIB meetings, if required. For proposals above Rs. 300 crore such a participation would be mandatory.

3. Delegated powers should be exercised only when the budgetary allocation or medium-term scheme outlay as approved by Department of Expenditure is available.

4. While exercising delegated powers, the Ministries/Departments should also ensure the proposals are subject to rigorous examination in project design and delivery, and careful attention should be paid to recurring liabilities and fund availability after adjustment of the committed liabilities.

5. For appraisal and approval of PPP projects separate orders issued by the Department of Economic Affairs will apply.

9. **Revised Cost Estimates:** Any Increase in costs due to statutory levies, exchange rate variation, price escalation within the approved time cycle and/or increase in costs up to 20 percent due to any other reason, are covered by the approval of the original cost estimates. Any increase in this regard would be approved by the Secretary of the Administrative Department concerned with the concurrence of the Financial Adviser.

Any increase in costs beyond 20 percent of the firmed-up cost estimates due to time overrun, change in scope, under-estimation, etc. (excluding increase in costs due to statutory levies, exchange rate variation and price escalation within the approved time cycle) should first be placed before a Revised Cost Committee chaired by the Financial Adviser (consisting of the Joint Secretary in-charge of the program division and representative of the Chief Adviser Cost as members) to identify the specific reasons behind such increase, identify lapses, if any, and suggest remedial measures for the same. The recommendations of the Revised Cost Committee should be placed for fresh appraisal and approval before the competent authority as per the extant delegation of powers (It may be noted that a firmed-up cost estimate here means a cost estimate which has been through the full appraisal and approval procedure as per the extant delegation of powers).

10. **Pre-Investment Activities** include preparation of Feasibility Reports, Detailed Project Reports, Pilot Experiments/Studies for Schemes; Survey/Investigation required for large projects, payment for land acquisition in accordance with the orders of a competent authority under the law, construction of boundary wall, access roads, minor bridges/culverts, water-power lines, site offices, temporary accommodation, etc. at the project site; preparation of environment management plans, forestry and wildlife clearances; compensatory afforestation, payment for conversion of forest land to non-forest purposes, etc.

Pre-investment activities up to Rs. 100 crore (including budgetary and extra-budgetary resources) may be approved by the Secretary of the Administrative Department with the concurrence of the Financial Adviser concerned provided financial resources are available and in-principle approval has been obtained, wherever necessary. For pre-investment activities above Rs. 100 crore, the prescribed appraisal and approval procedure should be followed. When firmed-up cost estimates are put up for approval, the expenditure on pre-investment activities should be included in the final cost estimates for the competent authority to get a full picture of the total resources required for the scheme or the project to be implemented.

11. **Medium Term Outlay:** It has been stated in para-110 of the Budget Speech 2016 that every scheme should have a *sunset date* and an *outcome* review. In the past, every scheme was revisited at the end of each plan period. After the Twelfth Five Year Plan, the medium term framework for schemes and their sunset dates will become coterminous with the Finance Commission Cycles, the first such one being the remaining Fourteenth Finance Commission (FFC) period ending March, 2020. This is necessary because fixation of medium term scheme outlay needs a clarity over flow of resources, which is likely to be available to both Central and State Governments over the Finance Commission periods.

Accordingly, it is directed that at the end of the Twelfth Plan period all Ministries/Departments should undertake an outcome review and re-submit their Schemes for appraisal and approval, unless the scheme has already been made coterminous with the FFC period. The Department of Expenditure will, on its part, communicate, in consultation with the Budget Division, the outlays for both Central Sector and Centrally Sponsored

Annexure – II

Project Sectors

Please tick the desired project sector/s for NABET accreditation

S. No.	Sectors	Sector as per NABET Scheme	As per MoEFCC Notification	Tick
1	Mining of minerals including opencast / underground mining	1.	1 (a) (i)	
2	Offshore and onshore oil and gas exploration, development & production	2.	1 (b)	
3	River Valley projects	3.	1 (c)	
4	Thermal power plants	4.	1 (d)	
5	Nuclear power projects and processing of nuclear fuel	5.	1 (e)	
6	Coal washeries	6.	2 (a)	
7	Mineral beneficiation	7.	2 (b)	
8	Metallurgical industries (ferrous & non-ferrous)	8.	3 (a)	
9	Cement plants	9.	3 (b)	
10	Petroleum refining industry	10.	4 (a)	
11	Coke oven plants	11.	4 (b)	
12	Asbestos milling and asbestos based products	12.	4 (c)	
13	Chlor-alkali industry	13.	4 (d)	
14	Soda ash Industry	14.	4 (e)	
15	Leather/skin/hide processing industry	15.	4 (f)	
16	Chemical fertilizers	16.	5 (a)	
17	Pesticides industry and pesticide specific intermediates (excluding	17.	5 (b)	

53/2720/2021/TRANS(OS)

QCINABET Scheme for accreditation of EIA Consultant Organisations/Version 3/June 2015

S. No.	Sectors	Sector as per NABET Scheme	As per MoEFCC Notification	Tick
	formulations)			
18	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	18.	5 (c)	
19	Manmade fibers manufacturing	19.	5 (d)	
20	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	20.	5 (e)	
21	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	21.	5 (f)	
22	Distilleries	22.	5 (g)	
23	Integrated paint industry	23.	5 (h)	
24	Pulp & paper industry excluding manufacturing of paper from wastepaper and manufacture of paper from ready pulp without bleaching	24.	5 (i)	
25	Sugar Industry	25.	5 (j)	
26	Deleted	26.	-	
27	Oil & gas transportation pipeline (crude and refinery/ petrochemical products), passing through national parks/ sanctuaries/coral reefs /ecologically sensitive areas including LNG terminal	27.	6 (a)	
28	Isolated storage & handling of Hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	28.	6 (b)	
29	Air ports	29.	7 (a)	

S. No.	Sectors	Sector as per NABET Scheme	As per MoEFCC Notification	Tick
30	All ship breaking yards including ship breaking units	30.	7 (b)	
31	Industrial estates/ parks/ complexes/areas, export processing Zones(EPZs), Special Economic Zones(SEZs), Biotech Parks, Leather Complexes	31.	7 (c)	
32	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	32.	7 (d)	
33	Ports, harbours, break waters and dredging	33.	7 (e)	
34	Highways,	34.	7 (f)	
35	Aerial ropeways	35.	7 (g)	
36	Common Effluent Treatment Plants (CETPs)	36.	7 (h)	
37	Common Municipal Solid Waste Management Facility (CMSWMF)	37.	7 (i)	
38	Building and construction projects	38.	8 (a)	
39	Townships and Area development projects	39.	8 (b)	
40	Additional Sectors:			
	i	Automobile and Auto Components	40 (i)	--
	ii	Electroplating and Metal Coating	40 (ii)	--
	iii	Electrical and Electronics including component industry	40 (iii)	--
	iv	Glass and Ceramic Industry	40 (iv)	--
	v	Food Processing	40 (v)	--

F.No.19-172/2018- IA.III
Government of India
Ministry of Environment, Forest and Climate Change
(IA-III Section)

Indira Paryavaran Bhawan
Jorbagh Road, New Delhi-110003
28 May, 2020

Sub: Commercial development of Railway land in and around Railway Stations – prior environmental clearance under the provisions of the EIA Notification, 2006 - reg.

This is regarding letter No. IRSDC/HQ/Civil/01/RB/1853 dated 14.11.2019 from Indian Railway Stations Development Corporation Limited (IRSDC), seeking clarification on the requirements of prior environmental clearance (EC) under the provisions of EIA Notification, 2006 in respect of projects for commercial development of railway land.

2. The matter has been examined in the Ministry in the light of following submissions made, *inter-alia*, by IRSDC in support of their request:

- (i) Section 11(da) of the Railways Act provides special dispensation for the 'railways' to be exempted from seeking clearances under other statutes.
- (ii) Harmonized Master List of Infrastructure Subsectors issued by the Ministry of Finance, recognizes commercial development of railway land as a part of transport and logistics sub-sector of railways.
- (iii) IRSDC had also sought opinion of the Ministry of Law and Justice, who have recognized that commercial development on railway land would be covered within the term 'Railway' for the purposes of Railway Act.

3. In light of the submissions made by IRSDC and deliberations thereon, the undersigned is directed to convey that:

Projects in Land appurtenant to 'railway', identified for commercial development in and around the railway stations shall be exempt from seeking prior environmental clearance under the provisions of the EIA Notification, 2006 subject to the following:

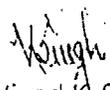
- (a) The projects shall draw up a sustainable Environment Management Plan, taking in to account all factors related to environment management viz: air pollution, water load, water pollution, land degradation, etc. The Ministry of Railways have an established Environment and Housekeeping Management (EnHM) Directorate, to specifically cater to environmental concerns and mitigative measures in all facets of railway operations. IRSDC must have the Environment Management Plan for the respective station development project, duly approved by the EnHM Directorate of the Ministry of Railways, before undertaking any physical development at site.

5312720/2021/TRANS(OS)

- (b) While individual station development projects may not process a specific Environmental Clearance from concerned SEIAA under the provisions of the EIA Notification, commercial development of building infrastructure in the premises shall be required to fulfil standard environmental safeguards and stipulations, as listed in Annexure.
- (c) The above notwithstanding, MoEFCC reserves the right to monitor and verify the compliance of the stipulated guidelines / norms under the provisions of Environment (Protection) Act and its various subordinate legislations.

This issues with the approval of Hon'ble Minister for Environment, Forest and Climate Change.

Encl: As above.


(Dr. Vinod K. Singh)
Scientist E
Tel: 011-24695398

To,

Managing Director & Chief Executive Officer,
Indian Railway Stations Development Corporation Limited
7th Floor, Tower 1, Konnectus Building,
Bhabhuti Marg,
New Delhi - 110002

Copy for information to:

Additional Member (EnHM), Ministry of Railways, Railway Board, Rail Bhawan, New
Delhi - 110001.

ITEM NO.22 + 36

COURT NO.1

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 8762/2016

DEDICATED FREIGHT CORRIDOR

CORPORATION OF INDIA LTD AND ANP.

Appellant(s)

VERSUS

SOCIETY FOR PROTECTION OF ENVIRONMENT AND
BIODIVERSITY (SPENBIO) AND ORS.

Respondent(s)

WITH

CIVIL APPEAL NO.9070 OF 2016

DELHI METRO RAIL CORPORATION

Appellant(s)

VERSUS

VIKRANT TONGAD AND ORS.
(With office report)

Respondent(s)

Date : 16/09/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Appellant(s)
(CA No.9070/2016)

Mr. Mukul Rohatgi, AG
Mr. Annam D.N. Rao, Adv.
Mr. Sudipto Sircar, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Rahul Mishra, Adv.
Mr. Abhinav Goyal, Adv.

(CA No.8762/2016)

Mr. Maninder Singh, ASG
Mr. Annam D. N. Rao, Adv.
Mr. Sudipto Sircar, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Rahul Mishra, Adv.
Mr. Abhinav Goyal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Heard.

Issue notice.

Pending further orders from this Court, impugned orders
passed by the National Green Tribunal, Principal Bench, shall
remain stayed.

Signature Invalid

Digitally signed by
MAHABIR SINGH
Date: 2021.09.16 15:45:15
Reason:

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 29TH DAY OF JANUARY 2021 / 9TH MAGHA, 1942

WP(C).No.18002 OF 2020(A)

PETITIONERS :

- 1 MULAKULAM RESIDENTS WELFARE ASSOCIATION,
REPRESENTED BY ITS SECRETARY, BABURAJ M.P,
S/O. PRABHAKARAN NAIR, BABU NIVAS, MULAKULAM SOUTH,
KOTTAYAM DISTRICT.
- 2 P.J. THOMAS,
AGED 56 YEARS,
S/O. JOSEPH, PUTHENVEETIL HOUSE, VELLASSERI,
KADUTHURUTHY, KOTTAYAM DISTRICT.
- 3 SOMAN M.V,
S/O. VELAYUDHAN, KOCHUMALIKAKKAL, MULAKULAM ,
PERUVA, KOTTAYAM DISTRICT.
- 4 M.T. THOMAS,
AGED 68 YEARS,
S/O. M.G. THOMAS, MURAMTHOKKIL, MULAKULAM SOUTH,
PERUVA, KOTTAYAM DISTRICT.

BY ADVS.
SRI.K.MOHANAKANNAN
SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENTS :

- 1 UNION OF INDIA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
MINISTRY OF RAILWAYS, RAIL BHAVAN, RAISANA ROAD,
NEW DELHI.
- 2 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 3 KERALA RAIL DEVELOPMENT CORPORATION LIMITED,
TRANS TOWER, 5TH FLOOR, VAZHUTHACAUD,
THIRUVANANTHAPURAM-695 014, REPRESENTED BY ITS
MANAGING DIRECTOR.

- 4 THE CHAIRMAN,
RAILWAY BOARD, INDIAN RAILWAYS, RAIL BHAWAN,
RAISANA ROAD, NEW DELHI- 110 001.
- 5 CENTRE FOR ENVIRONMENT DEVELOPMENT,
THOZHUVANCODE, VATTIYOORKAVU, THIRUVANANTHAPURAM-
695 013, REPRESENTED BY ITS DIRECTOR.
- 6 KERALA STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY,
PALLIMUKKU, KANNAMOOLA, THIRUVANANTHAPURAM-695024.

BY ADV. SRI.P.VIJAYAKUMAR, ASGI
BY SRI.RANJITH THAMPAN, ADDL.ADVOCATE GENERAL
BY SRI.A.DINESH RAO, SC, RAILWAYS
BY SRI.M.P.SREEKRISHNAN, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29.01.2021, ALONG WITH WP(C).22318/2020(L), WP(C).23794/2020(Y),
WP(C).23860/2020(F), THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No.18002 OF 2020
& CONNECTED CASES

3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
FRIDAY, THE 29TH DAY OF JANUARY 2021 / 9TH MAGHA, 1942

WP(C).No.22318 OF 2020(L)

PETITIONER/S:

THANKAMMU P.V.,
AGED 76 YEARS
W/O LATE E.P.MUNDAN, SREE NILAYAM, THIRUNAVAYA,
TIRUR, MALAPPURAM-676 301.

BY ADVS.
SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SHRI.P.U.VINOD KUMAR
SMT.ARYA RAGHUNATH
SMT.VAISAKHI V.
SRI.T.M.MUHAMMED MUSTHAQ

RESPONDENT/S:

- 1 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 3 THE SECRETARY TO GOVERNMENT,
TRANSPORT (D) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 4 KERALA RAIL DEVELOPMENT CORPORATION LIMITED,
TRANS TOWERS, 5TH FLOOR, VAZHUTHACAUD,
THIRUVANANTHAPURAM-695 014.
- 5 KERALA STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY,
PALLIMUKKU, KANNAMOOLA, THIRUVANANTHAPURAM-695 024.

WP(C).No.18002 OF 2020
& CONNECTED CASES

4

6 UNION OF INDIA,
REPRESENTED BY SECRETARY TO GOVERNMENT, MINISTRY OF
RAILWAY, RAIL BHAVAN, RAISANA ROAD, NEW DELHI-110
001.

BY SRI.RANJITH THAMPAN, ADDL.ADVOCATE GENERAL
BY ADV. SMT.ASHA CHERIAN
SRI DINESH RAO, SC
SRI M P SREEKRISHNAN, SC
SRI T NAVIN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29.01.2021, ALONG WITH WP(C).18002/2020(A), WP(C).23794/2020(Y),
WP(C).23860/2020(F), THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 29TH DAY OF JANUARY 2021 / 9TH MAGHA, 1942

WP(C).No.23794 OF 2020(Y)

PETITIONER/S:

- 1 PRAMOD KUMAR P.C,
AGED 44 YEARS,
S/O.K.K.CHANDRASEKHARA KAIMAL, RESIDING AT VISHNU
NABHAS, VELLAMPOIKA, KUNNAMTHANAM P.O.,
PATHANAMTHITTA DISTRICT.
- 2 C.K.VIJAYAN,
AGED 67 YEARS,
SON OF KRISHNA PILLAI, RESIDING AT
KIZHAKKEPARAMBIL, VALLAMALA, KUNNAMTHANAM P.O.,
PATHANAMTHITTA DISTRICT.
- 3 V.M.JOSEPH,
AGED 59 YEARS,
S/O.MARCOS, RESIDING AT VELIYAMKUNNATHU HOUSE,
KUNNAMTHANAM P.O., PATHANAMTHITTA DISTRICT.
- 4 PUSHPAMMA,
AGED 63 YEARS,
W/O.P.S.VIJAYAN, RESIDING AT NAVEENAM, VELLAMALA,
KUNNAMTHANAM P.O., PATHANAMTHITTA DISTRICT.
- 5 K.P.JOSEPH,
AGED 80 YEARS,
S/O.PHILIPOSE, RESIDING AT KARIKANDATHIL HOUSE,
MADAPPALLY, MAMMOODU, CHANGANASSERY, KOTTAYAM
DISTRICT.
- 6 I.K.VARGHESE,
AGED 80 YEARS,
S/O.ITTYAVIRA, RESIDING AT KALAPPURAKKAL HOUSE,
NALUNNAKKAL P.O., THOTTAKKADU, VAKATHANAM, KOTTAYAM
DISTRICT.

BY ADVS.
SRI.T.MADHU
SRI.R.ANILKUMAR (KOTTAYAM)
SMT.C.R.SARADAMANI
SRI.SHAHID AZEEZ
SMT.CHANDRALEKHA SANU

RESPONDENT/S:

- 1 THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF RAILWAYS, NEW DELHI-110001.
- 2 THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, REVENUE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 3 THE KERALA RAIL DEVELOPMENT CORPORATION LTD.,
5TH FLOOR, TRANS TOWER, VAZHUTHACAUD,
THIRUVANANTHAPURAM-695014, REPRESENTED BY ITS
MANAGING DIRECTOR.
- 4 THE ADDITIONAL GENERAL MANAGER,
THE KERALA RAIL DEVELOPMENT CORPORATION LTD., 5TH
FLOOR, TRANS TOWER, VAZHUTHACAUD,
THIRUVANANTHAPURAM-695014.
- 5 THE KERALA STATE POLLUTION CONTROL BOARD,
PATTOM P.O., THIRUVANANTHAPURAM-695004, REPRESENTED
BY ITS MEMBER SECRETARY.
- 6 THE KERALA STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY,
4TH FLOOR, KSRTC BUS TERMINAL COMPLEX, THAMPANOR,
THIRUVANANTHAPURAM-695001, REPRESENTED BY ITS
MEMBER SECRETARY.
- 7 THE DISTRICT COLLECTOR,
KOTTAYAM, CIVIL STATION, COLLECTORATE P.O.,
KOTTAYAM-686002.
- 8 THE DISTRICT COLLECTOR,
PATHANAMTHITTA-689645.

WP(C).No.18002 OF 2020

& CONNECTED CASES

7

BY ADV. MR.P.R.AJITH KUMAR, CGC
BY SRI.A.DINESH RAO, SC, RAILWAYS
BY ADV. SRI.P.SANJAY
BY ADV. SMT.ASHA CHERIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29.01.2021, ALONG WITH WP(C).18002/2020(A), WP(C).22318/2020(L), WP(C).23860/2020(F), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 29TH DAY OF JANUARY 2021 / 9TH MAGHA, 1942

WP(C).No.23860 OF 2020(F)

PETITIONER/S:

- 1 K.MOOSA KOYA,
AGED 61 YEARS,
S/O K ABU MUSALIAR, NOOR MAHAL PO, VENGALAM,
KOZHIKODE DISTRICT, PIN-673303.
- 2 NASEER B,
AGED 51 YEARS,
S/O BADARUDEEN K,
NEW JELLA HOUSE, VENGALAM P O,
KOZHIKODE-673303.
- 3 P CHATHU,
AGED 72 YEARS,
S/O LATE RAMAN, RAM NIVAS, VENGALAM-673303,
KOZHIKODE DISTRICT.
- 4 BUSHARA N M,
AGED 47 YEARS,
W/O LAGE BASHEER THONDIYIL, MASKANA, VENGALAM-
673303, KOZHIKODE DISTRICT.
- 5 NAJEEB A,
AGED 47 YEARS,
S/O M V AHAMMED, ABHILASH,
P.O,.VENGALAM, -673303,
KOZHIKODE DISTRICT.

BY ADVS.

SRI.S.SREEKUMAR (SR.)
SRI.P.MARTIN JOSE
SRI.M.MUHAMMED SHAFI
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA
SRI.R.GITHESH
SRI.AJAY BEN JOSE

WP(C).No.18002 OF 2020

& CONNECTED CASES

9

SRI.MANJUNATH MENON
SRI.SACHIN JACOB AMBAT
SHRI.HARIKRISHNAN S.

RESPONDENT/S:

- 1 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, MINISTRY OF RAILWAYS,
RAILWAY BHAVAN, NEW DELHI-110001.
- 2 THE SECRETARY,
MINISTRY OF FINANCE, DEPARTMENT OF ECONOMIC
AFFAIRS, FUND BANK AND D B DIVISION, ROOM NO.221,
NORTH BLOCK, NEW DELHI-110001.
- 3 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 4 THE CHAIRMAN,
RAILWAY BOARD, INDIAN RAILWAYS, RAIL BHAVAN,
RAISANA ROAD, NEW DELHI-110001.
- 5 KERALA RAIL DEVELOPMENT CORPORATION LTD
TRANS TOWER, 5TH FLOOR, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN-695014, REPRESENTED BY ITS
MANAGING DIRECTOR.
- 6 THE CENTRE FOR ENVIRONMENT DEVELOPMENT,
THOZHUALCONDE, VATTIYOORKAVU, THIRUVANANTHAPURAM-
695013, REPRESENTED BY ITS DIRECTOR.
- 7 THE KERALA STATE ENVIRONMENT IMPACT,
ASSESSMENT AUTHORITY, PALLIMUKKU, KANNANMOOLA,
THIURVANANTHAPURAM-695024, REPRESENTED BY ITS
CHAIRMAN.

BY ADV. SRI.P.SANJAY
BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA
BY SRI M P SREEKRISHNAN, SC
BY SRI.A.DINESH RAO, SC, RAILWAYS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29.01.2021, ALONG WITH WP(C).18002/2020(A), WP(C).22318/2020(L),
WP(C).23794/2020(Y), THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

[WP (C) .Nos.18002/2020, 22318/2020, 23794/2020 & 23860/2020]

The State of Kerala is one of the most densely populated States in the Country. The human development and related indices show that Kerala is the front runner when compared to all the other States. However, narrow roads in the State have been acting as an impediment to social and economic development. Records from the Crime Records Bureau show that about 4000 people die every year in accidents which take place in the congested roads and about 50000 people sustain injuries. The Southern Railways have also not been able to satiate the needs of the public for a seamless and comfortable travel experience. Due to high land costs and dense population, the move to acquire land for any development activity is met with serious resistance. The State appears to have realised that fast mobility from one part of the State to the other is essential for the overall development of the State and that the congested roads and saturated railway network will not be able to provide fast and efficient mobility to the people.

2. With the above objective, a policy decision was taken to have a Semi-High Speed Railway line named "Silverline" between

Thiruvananthapuram in the South and Kasaragod in the North of the State of Kerala. A joint venture agreement was entered into between the Ministry of Railways, Government of India and the Government of Kerala for infrastructure development of railways. A company by name Kerala Rail Development Corporation Ltd (K-Rail) was formed. Several meetings were held between high level officials of the State and the Chairman of the Railway Board and a feasibility study was agreed to be conducted. The Corporation engaged M/s. Systra, a leading city mobility consultancy firm to prepare a project report. The feasibility report was submitted by the Government and In-Principle Approval (IPA) was granted for taking up pre-investment activities, which would include payment of land acquisition, detailed project report, construction of boundary wall, access roads, site offices, temporary construction etc. however limited to Rs.100 crores. The estimated cost of the project is Rs.63941 crores and the project is expected to be completed within a period of five years from the date of getting approval from the Government of India.

3. These petitions have been filed under Article 226 of the Constitution of India with a prayer to direct the respondents not to proceed with the acquisition proceedings for the proposed "Semi High-Speed Rail" corridor from Thiruvananthapuram to Kasargod without sanction approval from the Government of India, the Railway Board and other Statutory

Authorities. The writ petitioners have also prayed for interdicting the respondents from acquiring the properties falling within the rail corridor and which stands in their name without scrupulously complying with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013). In some of the writ petitions, the petitioners have also sought for a declaration that the proposed Semi High-Speed Rail Corridor is technically not feasible and as it adversely affects the environment is liable to be dropped.

4. According to the petitioners, the Government is acting in haste and they are in the process of acquiring land without even obtaining the necessary clearances from the Central Government, the Railway Board and the other statutory bodies. They contend that the Government has taken up a project that incurs huge expenses which the State with its meagre resources will not be able to afford. The project is likely to be dropped midway and if by the time, the Government takes steps to acquire their valuable property, it would result in grave hardship and loss. It is further contended that for the purpose of the project extensive properties have to be acquired and a large number of families and business establishments will have to be displaced. They would also contend that large extent of paddy land and wetland will have to be converted resulting in grave adverse consequences to the environment. According to the petitioners, the

Government has taken up a task which is financially unviable, ecologically destructive, and commercially non-feasible. The NITI Aayog has furnished a report wherein it is stated that the fundamental concept of the Silverline project is flawed and the cost estimated is clearly a huge underestimation. The proposal of the State to avail huge loans from the ADB and other foreign banks have been deprecated. The Southern Railway has also analysed the Detailed Project Report and have marked several deficiencies and mistakes in the present alignment and have asked the respondents to change the same if they want the project to go forward. In other words even the Railways have expressed their disapproval of the project in no uncertain terms. It is on these averments that the writ petitions have been filed for declaring that the proposed Semi High-Speed Rail Corridor is technically not feasible and for a further direction to the respondents to refrain from proceeding further with the acquisition proceedings.

5. A counter has been filed by the State. It is stated that the Government of Kerala and the Ministry of Railways, Government of India, are in the process of constructing a new double line rail corridor as a semi-high speed railway line named as "Silverline" between Thiruvananthapuram and Kasaragod. This would be in addition to the existing two railway lines and is intended for facilitating Semi High-Speed trains. A greenfield corridor parallel to the existing railway alignment is what is planned and this line

would enable trains to travel at a maximum speed of about 200 km/hour. This project was conceptualised to meet the growing demand of rail passengers and to cater to future travel needs. The project is expected to be materialised within a period of five years on getting formal approval from the Railway Board. The estimated cost of the project is ₹ 63941 crores. A reputed consultant was engaged and they have submitted a feasibility report. The report has been approved by the Government. The Ministry of Railways have conveyed its in-principle approval for the project and the State has been permitted to take up pre-investment activities. It is stated that in the meeting chaired by the Chief Minister of the State on 23.01.2020, it was decided that the Government shall proceed with land acquisition strictly in tune with the provisions of Act 30 of 2013. It is further contended that all the provisions of Act 30 of 2013 starting from the social impact assessment shall be scrupulously followed. It is further stated that railway projects do not require prior environmental clearance from the regulatory authority as the railway projects are not included in the list of projects or activities requiring prior environmental clearances as per the notification issued by the Ministry of environment and forests. It is further stated that the NITI Aayog has examined the detailed project report for Silverline project and have sought for certain clarifications. The State has already furnished their reply. It is further stated that only after getting

concurrence from all statutory authorities and also the Government of India shall the State proceed with the project. The Railways have also gone through the detailed project report and furnished their opinion and those aspects will be considered by the State before proceeding with the same. It is further stated that the decision on according administrative sanction for land acquisition for the project is under consideration of the Government of Kerala and only after securing sanction from the Central Government shall the State proceed with the project.

6. The 3rd respondent in W.P.(C).No.18002 of 2020 has filed a counter reiterating the contentions of the State. It is stated that the respondents are expecting the final approval from the Central Government for the project in the first quarter of 2021. Ext.R3(a) is the order dated 17.12.2019 by which in-principle approval has been granted by the railway board for the Silverline project and the State has been permitted to take up pre-investment activities. R3(b) is the appraisal and approval of public funds, schemes and projects detailing the pre-investment activities that can be taken up. R3(d) is the order approving the project report prepared by M/s.Systra which according to the respondent has been forwarded to the Ministry of Railways. R3(g) is the letter issued by the Minister of Railways intimating the Chief Minister of State that the Ministry of Railways supports the proposed project and will render any technical advice/support as and

when required in the course of execution of the project. According to the respondents, the distance of about 530 km from the south to north of Kerala can be traversed in less than 4 hours as against the minimum required time of 12 hours at present. It is further contended that the project has reached up to the stage of approval by the Government of Kerala and a detailed project report has been forwarded to the railway board for their approval. The bottlenecks pointed out by the railways will be rectified and only thereafter that the project shall be taken forward. In so far as the suggestions pointed out by the NITI Aayog is concerned, it is contended that the NITI Aayog is neither a constitutional body or a statutory body and neither the State Government nor the Central Government is bound to head to its advice. The detailed project report is under the active consideration of the Central Government and only after final approval is received that the State intends to go forward with the project.

7. I have considered the submissions advanced by Sri. K. Mohanakannan, Sri. T. Madhu, Sri. Babu Karukapadath and Sri. Martin Jose, the learned counsel appearing for the petitioners in these writ petitions, the learned Assistant Solicitor General of India, Sri.M.P.Sreekrishnan, the learned counsel appearing for the Kerala State Environment Impact Assessment Authority, Sri. Dinesh Rao, the learned standing counsel

appearing for the Kerala Rail Development Corporation Ltd. and the learned Government Pleader. As the questions raised in all these writ petitions are identical, these writ petitions are taken up and disposed of together.

8. On a consideration of the facts and circumstances and the submissions made across the bar, it is luculent that the State has come up with a very ambitious project for constructing a new double line rail corridor as a Semi High Speed Railway Line. The line which has been named as 'Silverline' would connect Thiruvananthapuram on the southern side of the State and Kasaragod on the northern extremity. The Kerala Rail Development Corporation Ltd. has been formed as a joint venture with the Government of Kerala and the Ministry of Railways having equity participation. From the records, it is evident that a joint venture agreement has been executed between the Government of Kerala and the Ministry of Railways. M/s. Systra, an international mobility consultant was entrusted with to conduct a feasibility study. The report submitted by the consultant was presented before the Ministry of Railways and as is evident from Ext.R3(a), in-principle approval has been granted for the project. The Company has been permitted to take up pre-investment activities upto Rs.100 Crores. From the records made available, it appears that the NITI Aayog as well as the Railways have marked out certain objections to the project. However, those are preliminary objections and the State as well as

the Company has been asked to initiate immediate action to correct the anomalies. The southern railway has also pointed out certain discrepancies in the alignment and the respondents have been asked to modify the alignment on the above sections. The respondents have stated that they are waiting for the sanction from the Central Government and they expect that the sanction for the project shall be granted in the first quarter of 2021.

9. The main grievance of some of the petitioners is that the respondents would proceed to acquire land without scrupulously following the provisions of Act 30 of 2013. The respondents have reiterated in their counters that they shall strictly follow the provisions of Act 30 of 2013 before proceeding to acquire the land. Act 30 of 2013 contains elaborate provisions for the determination of compensation, rehabilitation and resettlement. Any process of compulsory acquisition can be taken up only after conducting a Social Impact Assessment (SIA), that too, after a public hearing. The SIA report will have to be published under Section 6 of the Act and later, an expert group will appraise the report. The proposal shall be examined by the appropriate Government thereafter under Section 8 and only thereafter shall the preliminary notification be issued. Upon publication of the preliminary notification, the Administrator for rehabilitation and resettlement appointed under S.43 of Act 30 of 2013 will have to conduct a survey and undertake a census of affected families. The Collector,

thereafter, would review the scheme prepared by the Administrator and forward the same with suggestions, if any, to the Commissioner of Rehabilitation and Resettlement for approval of the scheme. The Commissioner is appointed under S.44 of Act 30 of 2013 by the State Government. The summary of the approved scheme of the rehabilitation and resettlement by the Commissioner will have to be published along with the publication of the declaration of the land under S.19 after hearing the objections as referred under S.15 of Act 30 of 2013. In other words, a detailed procedure is envisaged before proceeding to acquire the land. I am of the opinion that in view of the above, the apprehension raised by the petitioners in the writ petitions is misconceived.

10. The next question is with regard to the feasibility of the project. Once the Government decides to construct a new railway line to cater to the needs of the citizens and follows the procedure prescribed under law commensurate with the nature of the project and collaborates with the experts in the field and the statutory authorities, unless the petitioners are able to show that there is mala fides, fraud or corruption vitiating the entire process, this Court will not be justified in interfering with the process. The interference of Courts is neither warranted to look into the quality of material relied upon by the Government to approach a decision nor to adjudicate upon the sufficiency of such material. These matters are of a

subjective character and if the legislature permits subjective powers on one organ of the State, this Court in exercise of its powers of judicial review is not expected to substitute its own subjective opinion in its place. The sole concern of the Court is to look at the relevancy of the material relied upon to take a decision in order to see that the decision is not devoid of application of mind. It is based on the basic idea that the structure of a subjective decision stands on the foundation of objective reasons. The Court may interfere when a decision is devoid of any reason or affected by mala fides or when the decision is reached in the aftermath of statutory violations. In other words, the formation of the opinion/satisfaction by the Government about the feasibility of the project is a purely subjective process and if the materials show that the opinion was reached in good faith, it is immune from judicial review. The contentions raised by the petitioners in these writ petitions would not enable a prudent person to believe that the objective facts based on which the Government has taken a decision to construct an additional 3rd and 4th line from Thiruvananthapuram to Kasaragod does not exist.

11. The scope of judicial review of governmental policy is now well defined. Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy, nor are courts advisors to the executive on matters of policy which the executive is entitled

to formulate. The scope of judicial review when examining a policy of the Government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary. Courts cannot interfere with policy either on the ground that it is erroneous or on the ground that a better, fairer or wiser alternative is available. Legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review (vide *Asif Hameed v. State of J&K* [1989 Supp (2) SCC 364], *Sitaram Sugar Co. Ltd. v. Union of India* [(1990) 3 SCC 223], *Khoday Distilleries Ltd. v. State of Karnataka* [(1996) 10 SCC 304], *BALCO Employees' Union v. Union of India* [(2002) 2 SCC 333], *State of Orissa v. Gopinath Dash* [(2005) 13 SCC 495] and *Akhil Bharat Goseva Sangh (3) v. State of A.P.* [(2006) 4 SCC 162]).

12. In **Rajeev Suri v. Delhi Authorities**¹, the Apex Court had occasion to elucidate on the role of the Court while exercising judicial review in Policy Matters of the state. It was held that the role of the court is well defined and it must not leave the administration to grapple with multiplicity of alternate opinions by stepping into the shoes of the policy makers.

189. A policy decision goes through multiple stages and factors in diverse indicators including socio-economic and political justice, before its final culmination. As per the nature of the project, the Government executes the project by taking certain steps - legislative, administrative etc. -

¹ [2021 SCC OnLine SC 7]

and it is this which comes under the radar of the Court. The increasing transparency in Government functioning by means of traditional and modern media is reducing the gap between citizens and Government and Government actions are met with a higher level of scrutiny on a real-time basis.

190. In a democracy, the electors repose their faith in the elected Government which is accountable to the legislature and expect it to adopt the best possible course of action in public interest. Thus, an elected Government is the repository of public faith in matters of development. Some section of the public/citizens may have another viewpoint if not complete disagreement with the course of action perceived by the elected Government, but then, the dispensation of judicial review cannot be resorted to by the aggrieved/dissenting section for vindication of their point of view until and unless it is demonstrated that the proposed action is in breach of procedure established by law or in a given case, colourable exercise of powers of the Government. Therefore, it is important for the Courts to remain alive to all the attending circumstances and not interfere merely because another option as in the perception of the aggrieved/dissenting section of public would have been a better option.

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194. In *Tata Iron & Steel (1996 (9) SCC 709*, in paragraph 68, the Court noted that whenever the issues brought before the Court are intertwined with those involving determination of policy and a plethora of technical issues, the Courts are very wary and must exercise restraint and not trespass into policy-making. Similarly, in *Narmada Bachao Andolan v. Union of India (2010) 6 SCC 664*, in paragraph 228, the Court noted that a project may be executed departmentally or by an outside agency as per

the choice of the Government, whilst ensuring that it is done according to some procedure or set manner. Further, the Court should be loath to assume that the authorities will not function properly and that the Court should have no role to play.

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195. To sum up the above discussion, it may be noted that judicial review primarily involves a review of State action - legislative, executive, administrative and policy. The primary examination in a review of a legislative action is the existence of power with the legislature to legislate on a particular subject matter. For this purpose, we often resort to doctrines of pith and substance, harmonious construction, territorial nexus etc. Once the existence of power is not in dispute, it is essentially an enquiry under Article 13 of the Constitution which enjoins the State to not violate any of the provisions of Part-III in a law-making function. The review of executive action would depend upon the precise nature of the action. For, the domain of executive is wide and is generally understood to take within its sweep all residuary functions of the State. Thus, the precise scope of review would depend on the decision and the subject matter. For instance, an action taken under a statute must be in accordance with the statute and would be checked on the anvil of ultra vires the statutory or constitutional parameters. The enquiry must also ensure that the executive action is within the scope of executive powers earmarked for State Governments and Union Government respectively in the constitutional scheme. The scope of review of a pure administrative action is well settled. Since generally individuals are directly involved in such action, the Court concerns itself with the sacred principles of natural justice - audi altrem partem,

speaking orders, absence of bias etc. The enquiry is also informed by the Wednesbury principles of unreasonableness. The review of a policy decision entails a limited enquiry. As noted above, second guessing by the Court or substitution of judicial opinion on what would constitute a better policy is strictly excluded from the purview of this enquiry. Under the constitutional scheme, the government/executive is vested with the resources to undertake necessary research, studies, dialogue and expert consultation and accordingly, a pure policy decision is not interfered with in an ordinary manner. The burden is heavy to demonstrate a manifest illegality or arbitrariness or procedural lapses in the culmination of the policy decision. However, the underlying feature of protection of fundamental rights guaranteed by the Constitution must inform all enquiries of State action by the constitutional Court.

13. In view of the principles laid down above, I am of the considered opinion that this Court in exercise of its jurisdiction under Article 226 of the Constitution of India will not be justified in transgressing into the field of a policy of the Government to have a Semi High Speed Railway Line. The authorities concerned have granted in-principle approval for proceeding with the project and the State has been permitted to take up pre investment activities. There are materials to suggest that the NITI Aayog as well as the Railway has marked certain objections. It is for the Government to examine the advantages and disadvantages of its policy and take appropriate

measures to fine tune the project, correct the alignment and convince the authorities that the project is feasible. As held by the Apex Court, the Government is entitled to commit errors or achieve successes in policy matters as long as constitutional principles are not violated in the process. It is not this Court's concern to enquire into the priorities of an elected Government and judicial review is never meant to venture into the mind of the Government and thereby examine the validity of a decision. The Courts cannot interfere with the policy either on the ground that it is erroneous or on the ground that a better, fairer or wiser alternative is available. The legality of the policy and not the wisdom or soundness of the policy is the subject of judicial review as has been held by the Apex Court in the decisions referred to above. The respondents have assured this Court that they would proceed with the project only after getting concurrence from the Central Government as well as the Railway Board and other statutory authorities. The said submission is recorded.

14. In view of the above discussion, I find no reason to interfere with the policy decision taken by the State to have a Semi High Speed Railway Line and the steps taken by the State to proceed with the project. The petitioners are not entitled to a declaration that the Semi High Speed Rail Corridor is technically and financially not feasible and the same is liable to be dropped. If property owned by the petitioners are intended to be

acquired for the project, the respondents shall follow the provisions of Act 30 of 2013 in its letter and spirit.

These writ petitions are disposed of.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

PS

APPENDIX OF WP(C) 18002/2020

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE COMMUNICATION SENT BY THE MINISTRY OF RAILWAYS TO THE HON'BLE CHIEF MINISTER, KERALA DT. 18.10.2018.
- EXHIBIT P2 TRUE COPY OF THE REPRESENTATION DATED 28.10.2019 SUBMITTED BY THE 4TH PETITIONER ON BEHALF OF OTHERS ALSO BEFORE THE CHAIRMAN, RAILWAY BOARD.
- EXHIBIT P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS ALONG WITH 76 OTHERS DATED 29.01.2020
- EXHIBIT P4 TRUE COPY OF THE COMMUNICATION ISSUED BY THE DEPUTY SECRETARY FOR PRINCIPAL SECRETARY TO GOVERNOR DATED 31.3.2020
- EXHIBIT P5 TRUE COPY OF REPRESENTATION DATED 26.04.2020 SUBMITTED BEFORE M.P. SRI. THOMAS CHAZHIKADAN.
- EXHIBIT P6 TRUE COPY OF THE COMMUNICATION DATED 2.5.2020 OF M.P. SRI.THOMAS CHAZHIKADAN M.P.
- EXHIBIT P7 TRUE COPY OF THE COMMUNICATION SENT BY THE RAILWAY DEVELOPMENT CORPORATION TO THE 1ST PETITIONER DATED 26.2.2020 WITH COMMUNICATION DATED 17.12.2019
- EXHIBIT P8 TRUE COPY OF THE NEWS ITEM PUBLISHED IN THE MALAYALA MANORAMA DAILY DATED 5.2.2020 WITH ENGLISH TRANSLATION.
- EXHIBIT P9 TRUE COPY OF THE REPRESENTATION DATED 25.06.2020 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P10 TRUE COPY OF THE REPRESENTATION DATED 25.06.2020 SUBMITTED BY THE 1ST PETITIONER BEFORE 4TH RESPONDENT.
- EXHIBIT P11 TRUE COPY NEWS PAPER ITEM PUBLISHED IN MALAYALA MANORAMA DATED 11.6.2020 WITH ENGLISH TRANSLATION.

- EXHIBIT P12 TRUE COPY OF GO(MS) 7/2019 DATED
23.1.2019.
- EXHIBIT P13 TRUE COPY OF RELEVANT PAGES OF THE LIST
OF PERSONS WHO HAD GIVEN COMPENSATION
FOR FLOOD AFFECTED PERSONS.
- * EXHIBIT P14 TRUE COPY OF THE NEWS PAPER REPORT
REPORTED IN MALAYALAM MANORAMA DAILY,
KOTTAYAM EDITION DATED 23-9-2020.
- * (ADDITIONAL DOCUMENT ACCEPTED AS PER
ORDER DATED 29.01.2021 IN I.A.NO.1 OF
2020).
- * EXHIBIT P14 TRUE COPY OF THE REPORT DATED 03.11.2020
OF NITI AAYOG OBTAINED UNDER RTI ACT.
- * (ADDITIONAL DOCUMENT ACCEPTED AS PER
ORDER DATED 29.01.2021 IN I.A.NO.3 OF
2020).
- EXHIBIT P15 TRUE COPY OF THE MINUTES OF THE OFFICIAL
MEETING HELD ON 22.09.2020 FOR GRANTING
SANCTION FOR LAND ACQUISITION.
- EXHIBIT P16 TRUE COPY OF THE LIST OF THE MEMBERS OF
THE 1ST PETITIONER ASSOCIATION.
- EXHIBIT P17 TRUE COPY OF THE BASIC TAX RECEIPT DATED
11.04.2018.
- EXHIBIT P18 TRUE COPY OF THE BASIC TAX RECEIPT DATED
30.11.2020
- EXHIBIT P19 TRUE COPY OF THE BASIC TAX RECEIPTS
DATED 24.07.2019.
- EXHIBIT P19(A) TRUE COPY OF THE BASIC TAX RECEIPTS
DATED 07.07.2020.
- EXHIBIT P20 TRUE COPY OF THE COMMUNICATION SENT BY
THE SOUTHERN RAILWAY TO THE 4TH
PETITIONER DATED 08.12.2020 WITH REPORTS
DATED 10.06.2020 AND 15.06.2020.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R3(a) A TRUE COPY OF THE ORDER DATED

17.12.2019 ISSUED BY THE MINISTRY OF RAILWAYS.

EXHIBIT R3 (b) A TRUE COPY OF OFFICE MEMORANDUM NO. 24(35)/PF-II/2012 DATED 05/08/2016 ANNEXED ALONG WITH EXT.R3(a).

EXHIBIT R3 (c) A TRUE COPY OF THE LETTER NO.2018/JVCELL/GENL/SPV/POLICY/2 DATED 23/04/2019 OF GOVERNMENT OF INDIA MINISTRY OF RAILWAYS (RAILWAY BOARD).

EXHIBIT R3 (d) A TRUE COPY OF THE GO(M.S)NO.18/2020/TRANS DATED 11/06/2020

EXHIBIT R3 (e) A TRUE COPY OF THE COMMUNICATION ADDRESSED BY THE STATE GOVERNMENT TO THE MINISTRY OF RAILWAYS

EXHIBIT R3 (f) A TRUE COPY OF THE MINUTES OF THE MEETING HELD BY THE HON'BLE CHIEF MINISTER GOVERNMENT OF KERALA, IN CONNECTION WITH THE SEMI HIGH SPEED PROJECT.

EXHIBIT R3 (g) A TRUE COPY OF THE COMMUNICATION ADDRESSED BY THE MINISTRY OF RAILWAYS, GOVERNMENT OF INDIA, TO THE HON'BLE CHIEF MINISTER.

//TRUE COPY// P.S. TO JUDGE

APPENDIX OF WP(C) 22318/2020

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 A TRUE COPY OF GO (MS) NO 43/2019/TRANS
DATED 26.8.2019 APPROVING THE FEASIBILITY
REPORT
- EXHIBIT P2 A TRUE COPY OF THE RELEVANT PORTIONS OF THE
SO CALLED DETAILED PROJECT REPORT
- EXHIBIT P3 A TRUE COPY OF THE GO (MS) NO 18/2020/TRANS
DATED 11.6.2020 APPROVING THE PROJECT
REPORT AND PERMITTING THE MANAGING DIRECTOR
OF K-RAIL TO APPROACH FINANCIAL
INSTITUTIONS
- EXHIBIT P4 A TRUE COPY OF THE LETTER DATED 15.9.2020
ISSUED BY K-RAIL INTER ALIA INDICATING THAT
1389 HECTORS OF LAND IS REQUIRED FOR
PROJECT AND IT IS THROUGH 140 KMS THROUGH
PADDY FIELDED AND FURTHER THAT THE DETAILS OF
OCCUPANCY/NATURE OF BUILDING TO BE ACQUIRED
ARE NOT AVAILABLE
- EXHIBIT P5 A TRUE COPY OF THE LETTER DATED 19.8.2020
ISSUED BY THE K-RAIL TO THE PRINCIPAL
SECRETARY TO THE GOVERNMENT REQUESTING TO
INITIATE LAND ACQUISITION PROCEEDINGS ALONG
WITH THE RELEVANT PORTIONS OF ANNEXURE 1
THEREOF
- EXHIBIT P6 A TRUE COPY OF THE RELEVANT PARTS OF THE
FILE MAINTAINED IN REVENUE DEPARTMENT AND
OBTAINED UNDER RIGHT TO INFORMATION ACT
- EXHIBIT P7 A TRUE COPY OF THE LETTER DATED 3.9.2020
ISSUED BY MINISTRY OF FINANCE, DEPARTMENT
OF ECONOMIC AFFAIRS ALONG WITH THE EXTRACT
OF THE MEETING ENCLOSED THEREWITH
- EXHIBIT P8 A TRUE COPY OF THE MINUTES OF THE MEETING
OF THE SECRETARIES FOR GRANTING SANCTION
FOR LAND ACQUISITION
- EXHIBIT P9 A TRUE COPY OF THE LETTER DATED 23.2.2017
ISSUED BY THE STATE GOVERNMENT TO CENTRAL
GOVERNMENT OFFICIALS WITH REGARD TO

ANGAMALY-SABARIMALA RAIL

EXHIBIT P10

A TRUE COPY OF THE SALE DEED NO.831 OF 1977 OF SRO, KODAKKAL EXECUTED BY PADMAVATHY AMMA IN FAVOUR OF THE PETITIONER AND HER HUSBAND, MR.MUNDAN.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R4 (A) TRUE COPY OF THE ORDER DATED 17.12.2019 ISSUED BY THE MINISTRY OF RAILWAYS.
- EXHIBIT R4 (B) TRUE COPY OF THE OM DATED 05.08.2016 OF MINISTRY OF FINANCE.
- EXHIBIT R4 (C) TRUE COPY OF THE LETTER DATED 23.04.2019 OF THE MINISTRY OF RAILWAYS.
- EXHIBIT R4 (D) TRUE COPY OF THE LETTER DATED 24.02.2020 OF PRINCIPAL SECRETARY TO THE MD KRDCCL ALONG WITH THE MINUTES OF THE MEETING HELD BY THE HON'BLE CHIEF MINISTER OF KERALA DATED 23.01.2020.
- EXHIBIT R4 (E) TRUE COPY OF COMMUNICATION OF MINISTRY OF RAILWAYS, GOVERNMENT OF INDIA TO THE HON'BLE CHIEF MINISTER.
- EXHIBIT R4 (F) TRUE COPY OF THE GO (MS)NO.18/2020/TRANS DATED 11.06.2020
- EXHIBIT R4 (G) TRUE COPY OF COMMUNICATION DATED 17.06.2020 OF THE STATE GOVERNMENT TO THE MINISTRY OF RAILWAYS.
- EXHIBIT R4 (H) TRUE COPY OF LETTER DATED 19.08.2020 OF THE KRDCCL TO THE PRINCIPAL SECRETARY, GOVERNMENT OF KERALA.
- EXHIBIT R4 (I) TRUE COPY OF OM DATED 01.09.2020 OF MINISTRY OF FINANCE AND 1ST PAGE OF MINUTES DATED 18.08.2020.

//TRUE COPY//

P.S.TO JUDGE

APPENDIX OF WP (C) 23794/2020

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 THE TRUE COPY OF THE REPRESENTATION DATED 19.5.2020 SUBMITTED BY SANATHANA DHARMA VIDYA PEEDAM, KUNNAMTHANAM P.O., THIRUVALLA AND OTHERS BEFORE THE THIRD RESPONDENT WITH ALL ANNEXURE THEREON.
- EXHIBIT P1 (A) THE TRUE COPY OF THE REPRESENTATION DATED 12.5.2020 SUBMITTED BY THE VALLAMALA PULAPPUKAVU SREE MAHADEVA TEMPLE ADVISORY COMMITTEE BEFORE THE THIRD RESPONDENT.
- EXHIBIT P1 (B) THE TRUE COPY OF THE REPRESENTATION DATED 11.5.2020 SUBMITTED BY THE VALLAMALA SREE KRISHNA VILASAM N.S.S.KARAYOGAM NO.938 BEFORE THE THIRD RESPONDENT.
- EXHIBIT P1 (C) THE TRUE COPY OF THE REPRESENTATION DATED 12.5.2020 SUBMITTED BY THE SAMRUDHI SUDDHA JALA VITHARANA SAMITHI BEFORE THE THIRD RESPONDENT.
- EXHIBIT P1 (D) THE TRUE COPY OF THE REPRESENTATION DATED 13.5.2020 SUBMITTED BY THE MADATHIL KAVU BHAGAVATHY TEMPLE ADVISORY COMMITTEE BEFORE THE THIRD RESPONDENT.
- EXHIBIT P1 (E) THE TRUE COPY OF THE REPRESENTATION DATED 13.5.2020 SUBMITTED BY THE SREE LAKSHMI NARAYANA TEMPLE SAMRAKSHANA SAMITHY BEFORE THE THIRD RESPONDENT.
- EXHIBIT P1 (F) THE TRUE COPY OF THE REPRESENTATION DATED 20.5.2020 SUBMITTED BY ST.MARY'S MALANKARA CATHOLIC CHURCH, MUNDUKUZHI BEFORE THE THIRD RESPONDENT.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R3 (A) TRUE COPY OF THE ORDER DATED 17.12.2019 ISSUED BY THE MINISTRY OF RAILWAYS.
- EXHIBIT R3 (B) TRUE COPY OF THE OM DATED 05.08.2016 OF

WP(C).No.18002 OF 2020
& CONNECTED CASES

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MINISTRY OF FINANCE.

- EXHIBIT R3(C) TRUE COPY OF THE LETTER DATED 23.04.2019 OF THE MINISTRY OF RAILWAYS.
- EXHIBIT R3(D) TRUE COPY OF LETTER DATED 24.02.2020 OF PRINCIPAL SECRETARY TO MD KRDCCL ALONG WITH MINUTES OF THE MEETING HELD BY THE HON'BLE CHIEF MINISTER OF KERALA DATED 23.01.2020
- EXHIBIT R3(E) TRUE COPY OF COMMUNICATION OF MINISTRY OF RAILWAYS, GOVERNMENT OF INDIA TO THE HON'BLE CHIEF MINISTER.
- EXHIBIT R3(F) TRUE COPY OF THE GO(MS)NO.18/2020/ TRANS DATED 11.06.2020.
- EXHIBIT R3(G) TRUE COPY OF THE COMMUNICATION DATED 17.06.2020 OF THE STATE GOVERNMENT TO THE MINISTRY OF RAILWAYS.

///TRUE COPY//

P.S. TO JUDGE

APPENDIX OF WP (C) 23860/2020

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF GO (MS) NO.56/2019/RD DATED 14.02.2019.
- EXHIBIT P2 TRUE COPY OF PROCEEDINGS DATED 23.04.2019 OF THE 1ST RESPONDENT.
- EXHIBIT P3 TRUE COPY OF GUIDELINES PRESCRIBING THE PROCEDURE FOR JVC PROJECTS.
- EXHIBIT P4 TRUE COPY OF IN-PRINCIPLE APPROVAL GIVEN BY THE MINISTRY OF RAILWAYS FOR TAKING UP PRE-INVESTMENT ACTIVITY FOR THE SILVER LINE PROJECT.
- EXHIBIT P5 TRUE COPY OF THE MEETING DATED 23/01/2020.
- EXHIBIT P6 TRUE COPY OF GO (MS) NO.18/2020/TRANS DATED 11.06.2020.
- EXHIBIT P7 TRUE COPY OF LETTER DATED 12.06.2020 ISSUED BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT.
- EXHIBIT P8 TRUE COPY OF REQUEST DATED 19/08/2020 SUBMITTED BY THE 5TH RESPONDENT.
- EXHIBIT P9 TRUE COPY OF RESOLUTION DATED 27/08/2020 OF CHEMANCHERI GRAMA PANCHAYAT.
- EXHIBIT P10 TRUE COPY OF RESOLUTION NO 6(2)2020/21 DATED 14/09/2020 OF PANTHALAYANI BLOCK PANCHAYAT
- EXHIBIT P11 TRUE COPY OF LETTER DATED 01.10.2020 ISSUED BY THE 5TH RESPONDENT TO THE DISTRICT POLICE CHIEF, KOZHIKODE.
- EXHIBIT P12 TRUE COPY OF REPRESENTATION DATED 10.08.2020 SUBMITTED BY THE 1ST PETITIONER BEFORE THE CHIEF MINISTER OF KERALA.
- EXHIBIT P13 TRUE COPY OF REPLY TO EXHIBIT P12 DATED 23.09.2020 ISSUED BY THE 5TH RESPONDENT.
- EXHIBIT P14 TRUE COPY OF RELEVANT PORTION OF 109TH

MINUTES OF SCREENING COMMITTEE HELD ON
18/08/2020.

EXHIBIT P15

TRUE COPY OF LETTER DARTED 03.09.2020
ISSUED BY THE 2ND RESPONDENT TO THE 3RD
RESPONDENT.

RESPONDENT'S/S EXHIBITS:

- EXHIBIT R5 (A) TRUE COPY OF THE ORDER DATED 17.12.2019
ISSUED BY MINISTRY OF RAILWAY
- EXHIBIT R5 (B) TRUE COPY OF OFFICE MEMORANDUM
NO.24(35)/PF-II/2012 DATED 05.08.2016.
- EXHIBIT R5 (C) TRUE COPY OF LETTER NO 2018/JV
CELL/GENL/SPV/POLICY/2 DATED 23/04/2019
- EXHIBIT R5 (D) TRUE COPY OF GO(MS) NO.18/2020/TRANS DATED
11/06/2020 PREPARED BY M/S SYSTRA
- EXHIBIT R5 (E) TRUE COPY OF THE COMMUNICATION ADDRESSED BY
STATE GOVERNMENT TO MINISTRY OF RAILWAYS
- EXHIBIT R5 (F) TRUE COPY OF THE MINUTES OF THE MEETING
HELD BY THE HONB'LE CHIEF MINISTER
GOVERNMENT OF KERALA, IN CONNECTION WITH
THE SEMI HIGH SPEED PROJECT
- EXHIBIT R5 (G) TRUE COPY OF THE COMMUNICATION ADDRESSED BY
THE MINISTRY OF RAILWAYS, GOVERNMENT OF
INDIA, TO THE HON'BLE CHIEF MINISTER

//TRUE COPY// P.S.TO JUDGE