

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

Appeal No. 75 of 2021 (SZ)

IN THE MATTER OF:

**Shoukkath Ali,
Charali House North Paloor, Pulamanthole P.O.
Malappuram District, Kerala 679323.**

...APPELLANT

v.

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

...RESPONDENTS

REPLY FILED ON BEHALF OF THE 1ST RESPONDENT

Sl. No.	Date	Description
1	15.01.2022	REPLY FILED ON BEHALF OF THE 1ST RESPONDENT

Dated at Chennai on this 15th day of January 2022

VIDYALAKSHMI VIPIN

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

1. I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply on behalf of the 1st Respondent. I crave leave of the Hon'ble Tribunal to file report as and when additional facts are available to the Respondent.
2. It is submitted that the above Appeal has been preferred by the Appellant challenging the Environmental Clearance issued by this Respondent.
3. It is submitted that this respondent denies all the allegations and averments raised by the Appellant except that are specifically admitted. It is submitted that the 1st Respondent submit certain facts, which are necessary for the present appeal, are placed hereunder in seriatim.
4. It is submitted that the above Appeal has been filed by the Appellant before this Hon'ble Tribunal to challenging the Environmental Clearance granted by the Chairman, State Environmental Impact Assessment Authority, (SEIAA), the 1st Respondent herein.
5. It is submitted that Sri. Najeebali. M.K, Mannengal Kannamthodi House, Paloor, Pulamanthole post, Malappuram District, Kerala, 679323 vide his application received online and the hard copy of the proposal received on 05.07.2019 sought Environmental Clearance under EIA Notification, 2006. The building stone quarry project is in Survey Nos.1/1B-319of Pulamanthole Village, Perinthalmanna Taluk, Malappuram District. The project comes under Activity 1(a), Category B2 as per the Schedule of EIA Notification 2006.



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6. It is submitted that the Proposal was placed in the 103rd meeting of SEAC held on 17th & 18th September 2019. The Committee directed the proponent to submit certain documents.

7. It is submitted that the proposal was placed in the 106th meeting of SEAC held on 28th to 30th November 2019. The Committee decided to invite the proponent for presentation.

8. It is submitted that the Proposal was placed in the 109th meeting of SEAC held on 31st January & 01st February 2020. The proponent was present and the consultant made the presentation. The Committee directed the proponent to submit certain documents/details.

9. It is submitted that the Proposal was placed in the 113th meeting of SEAC held on 15th – 17th September 2020. The Committee entrusted Dr.S.Sreekumar & Dr.P.S.Easa for field inspection. The Sub Committee Members conducted the site visit on 27th October 2020 and submitted the report.

10. It is submitted that the Proposal was placed in the 116th meeting of SEAC held on 02nd, 03rd & 07th December 2021. The Committee discussed and accepted the Field Inspection Report (FIR) and directed the proponent to submit certain documents/details.

11. It is submitted that the Proposal was placed in the 118th meeting of SEAC held on 01st to 03rd February 2021. The Committee scrutinized the application and all the additional details submitted by the proponent. The Committee verified the FIR submitted by the Sub Committee and decided to recommend the issuance of EC with project life of five years subject to the following specific condition:

- *The suggested CER activities for Rs.5 lakh may be completed within two years and an amount of atleast Rs.1.5lakh must be included for the next three years for maintenance.*

12. It is submitted that the proposal was placed in the 107th meeting of SEIAA held on 18th & 19th February 2021. Authority noticed that the SEAC had appraised the proposal based on Form I, Pre-feasibility Report, additional details/documents obtained from the proponent during Appraisal, Mining Plan and the filed inspection report. After the due appraisal SEAC had recommend to issue EC subject to certain conditions.

13. It is submitted that the Authority decided to issue EC for the Project life of 5 years as estimated and recommended by SEAC for the quantity mentioned in the approved Mining Plan, subject to the following specific conditions in addition to the general conditions.

- As per OM no F.No.22-65/2017-IA.III dated 30th September 2020, the project Proponent shall prepare an Environment Management Plan (EMP) as directed by SEAC during appraisal, covering the issues to address the environmental problems in the project region, indicating both physical and financial targets year wise. The EMP shall be implemented in consultation with District Collector. The indicated cost for CER shall be not less than 2%*



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of the project cost depending upon the nature of activities proposed. The follow up action on implementation of CER shall be included in the half yearly report which will be subjected to field inspection at regular intervals.

- ii. The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*
- iii. In the wake of occurrence of large scale landslides in the state, as per the information provided by the Department of Mining & Geology, it is directed to use only NONEL (Non Electrical) technology for blasting to reduce the vibration of the ground, which is one of the causative factors that triggers landslides, formation of cracks in the surrounding buildings and disturbance to human and wildlife.*
- iv. As per the directions contained in the OM F.No.22-34/2018-IA.III dated 16th January 2020 issued by MoEF&CC, in obedience to the directions of the Honourable Supreme Court the Project Proponent shall, undertake re-grassing the mining area and any other area which may have been disturbed due to his mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The compliance of this direction shall be included in the half yearly compliance report which will be monitored by SEAC at regular intervals.*

14. It is submitted that the EC was issued on 05.03.2021 for a period of five years. The validity will expire on 04.03.2026.

15. It is submitted that as admitted by the Appellant the EC issued by this Respondent pertains to different survey no.s 1/1B-319,1/1B-295,1/1B-296,1/1B-323,1/1B-321,1/1B-320, 1/1B-329, Block No: 5 in Pulamantole Village, Perinthalmanna Taluk, Malappuram District, Kerala for an area of 0.4497Ha.. The Appellant has not prima facie satisfied how issuance of Environmental Clearance is bad for a new project. The 4th Respondent has filed a separate application for Environmental Clearance before the DEIAA for Survey No.85 pt which was the sub-judiced by the Hon'ble High Court of Kerala.

16. It is submitted that the Appellant has placed facts of two different Applications submitted for Environmental Clearance of two different projects and has been trying to correlate it only on the ground that the project proponent is the same.

17. It is submitted that the Appellant has filed this Appeal on all frivolous grounds and challenged the Environmental Clearance issued by this Respondent in accordance with law.



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

Dated at Chennai on this the 15th day of January, 2022



1ST RESPONDENT

VERIFICATION

I, **RANI R.S.**, wife of Mr. Prabodh Chandran, aged about 45 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of paras 1 to 14 are true to the best of my personal knowledge and paras 1 to 14 believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 15th day of January, 2022



1ST RESPONDENT



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