

Filed on: 31.08.2021

**BEFORE THE NATIONAL GREEN TRIBUNAL,**

**SOUTHERN ZONAL BENCH, CHENNAI**

**I.A. No. 120/2021**

**In**

**Original Application No. 76/2021**

K.G. Anilkumar

....Applicant

**Vs.**

The State Environment Impact Assessment

Authority (SEIAA) Kerala & Others.

....Respondents

**REPLY STATEMENT FILED BY RESPONDENT NO. 3 IN THE ABOVE INTERIM  
APPLICATION**

**JOBI JOSE KONDODY (J-493) (K-666/96)**

**Counsel for Respondent No. 3**

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONAL BENCH, CHENNAI**

**I.A. No. 120/2021**

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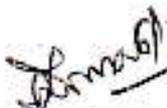
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....Respondents

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- Dated this the 30<sup>th</sup> day of August, 2021

  
Jobi Jose Kondody  
Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONAL BENCH, CHENNAI

I.A. No. 120 of 2021

In

Original Application No. 76/2021

K.G. Anilkumar

....Applicant

Vs.

The State Environment Impact Assessment  
Authority (SEIAA) Kerala & Others.

....Respondents

**REPLY STATEMENT FILED BY THE 3<sup>rd</sup> RESPONDENT IN THE ABOVE  
INTERIM APPLICATION**

I, Tomy Thomas, aged 54 years, S/o. Thomas, Pulickal House, Kalathukadavu (PO), Erattupetta, Kottayam District-686 579, Kerala, do hereby solemnly affirm and state as follows.

1. I am the 3<sup>rd</sup> respondent in the above Interim Application . I know the facts of the case and as such I am duly competent to swear this affidavit.
2. All the averments contained in the Interim Application save those that which are specifically admitted hereunder are denied.
3. At the outset, it is humbly submitted that the applicant herein had approached this Hon'ble Forum with unclean hands and by suppressing material facts in order to play fraud upon this Hon'ble Tribunal and to obtain illegal orders when he failed to secure favorable orders from the Hon'ble High Court of Kerala in several of the Writ Petitions filed by him before the Hon'ble High Court of Kerala.



On that sole ground the above original application which is filed by the applicant suppressing material facts has to be dismissed with compensatory costs to me. Even though I had very much pleaded these facts before this Hon'ble Forum in my reply affidavit to the original application, this Hon'ble Court was not pleased to hear my counsel on the issue of maintainability of the above original application.

4. Right from the beginning of the Original application the petitioner was pleading before this Hon'ble Forum that Annexure A1 Environmental Clearance granted to me was revoked by the 1<sup>st</sup> respondent. I had produced annexure R3 (a) stop memo issued by the 1<sup>st</sup> respondent which was the impugned order in various litigations before the Hon'ble High Court of Kerala. The 1<sup>st</sup> respondent, the 2<sup>nd</sup> respondent as well as myself pleaded that Annexure A1 Environmental Clearance was not revoked till date and there is only a stop memo issued vide Annexure R3(a), which was quashed by the Hon'ble High Court of Kerala in Annexure A2 judgment, which was also the subject matter of the challenge in Annexure R3(c), wherein the Hon'ble High Court of Kerala directed the 1<sup>st</sup> respondent herein to finalize proceedings on Annexure R3(a) Stop Memo, within the time limit prescribed therein, this Hon'ble Forum in consonance with the counsel appearing for the applicant herein is of the opinion that Annexure A1 has been revoked by the 1<sup>st</sup> respondent and its proceedings with the Original Application.
5. The averments contained in Paragraph No. 3.2 of the Interim application are absolutely false and hence denied. The 1<sup>st</sup> respondent not being a Judicial Forum above the Division Bench of the High Court of Kerala unlike this Hon'ble Forum had to certainly comply with the directions passed by the Hon'ble High Court of Kerala in Annexure A2 judgment, which was later on upheld by the Division Bench of Kerala High Court in Annexure R3(g) judgment which happened to be passed on an appeal preferred by the original

applicant herein. Therefore the 1<sup>st</sup> respondent who do not possess the powers of this Tribunal had only an option to permit me to operate my unit and not otherwise.

6. The averments contained in paragraph No. 3.3 of the Interim Application are absolutely false and hence denied. No quarry operators in Kerala are permitted to operate their quarry for mining building stones from early morning till night. As per the license conditions I am permitted to operate my quarry only from 6 A.M till 6 P.M which I have not violated till date. The operation of my building stone quarry is not causing any nuisance or inconvenience to any of the nearby residents. The allegation contra is absolutely false and hence denied.
7. The Hon'ble High Court of Kerala by Annexure R3(C) judgment, which was suppressed by the Original applicant herein, directed the 1<sup>st</sup> respondent herein to finalize the proceedings on Annexure R3(a). Immediately on receipt of Annexure R3(c) judgment, I produced the same before the 1<sup>st</sup> respondent. Based on Annexure R3(c) judgment the first respondent in its 99<sup>th</sup> meeting held on 21<sup>st</sup> and 22<sup>nd</sup> November 2019 considered the issue pertaining to Annexure R3(a) decided to issue notices to myself and all party respondents including the applicant herein and the Panchayat in Annexure R3(c) judgment and give opportunity to all parties in the next meeting of the first respondent. A true copy of the relevant pages of the minutes of the meeting of the first respondent held on 21<sup>st</sup> and 22<sup>nd</sup> November 2019 is produced herewith and may be marked as **Annexure R3(k)**. Item No. 99.55 in Annexure R3(k) relates to the issue pertaining to Annexure R3(a).
8. Later, in the meeting held on 23<sup>rd</sup> and 24<sup>th</sup> December, 2019, the first respondent heard all the stake holders including myself herein and after conducting the hearing of all the interested parties, permitted the objectors to give in writing, if anything more was required for



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consideration of the issue, within one week. The first respondent also decided that since the Environmental Clearance and subsequent stop memo were issued almost three years back and in the light of the issues which were brought out during personal hearing and to comply with the directions of this Honourable Court, decided to forward the relevant documents collected during the hearing to the State Environment Expert Appraisal Committee, (SEAC Kerala) for a fresh field inspection and report. A true copy of the relevant pages of the minutes of the meeting of the first respondent held on 23<sup>rd</sup> and 24<sup>th</sup> December, 2019 is produced herewith and may be marked as **Annexure R3(l)**. Item No. 100.37 in Annexure R3(l) is the matter pertaining to Annexure R3(c) judgment.

9. Thereafter, the SEAC Kerala, in the light of Annexure R3(l) in its meeting held on 13<sup>th</sup> and 14<sup>th</sup> January 2020 entrusted Dr. C.Bhaskaran and Dr. R.Ajayakumar Varma for conducting field inspection in the area covered vide Annexure R3(a). A true copy of the relevant pages of the minutes of the 108<sup>th</sup> meeting of the SEAC Kerala held on 13<sup>th</sup> and 14<sup>th</sup> January, 2020 is produced herewith and may be marked as **Annexure R3(m)**. Item No. 108.52 in Annexure R3(m) is the item pertaining to the field inspection of the 3<sup>rd</sup> respondent's property.
10. When Annexure R3(m) was passed, the authorities appointed by the SEAC Kerala visited my side and after being convinced that the unit in any manner will not cause any nuisance as alleged by the objectors and the objection raised against the unit was only for obtaining illegal grain considered the issue in its meeting held on 2-4 June, 2020. Based on the field inspection conducted in accordance with Annexure R3(m) minutes of the SEAC Kerala, the officers who conducted the same placed the report before the SEAC Kerala. The SEAC Kerala in its meeting held on 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> June, 2020 accepted the observations of the field inspection report conducted by the officers and decided that the myself should conduct another Environmental



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Impact Assessment study and precise Environment Management plan for the proposed project and the Environmental Impact Assessment should cover the impact of the activities of the proposed project in and around the site within an impact zone of 3 kilometer radius. The Committee decided to direct the proponent (3rd respondent herein) to submit the above details/documents, so that the study decision can be taken on the matter. A true copy of the relevant pages of the minutes of the 111<sup>th</sup> meeting of the SEAC Kerala held on 2-4 June, 2020 is produced herewith and may be marked as **Annexure R3(n)**. Item No. 111.59 in Annexure R3(n) is the item pertaining to that of the 3<sup>rd</sup> respondent.

11. It was in such circumstances, I preferred W.P(C) No. 14072/2020 before the Hon'ble High Court of Kerala on the ground that if these studies enumerated in annexure R3(n) were to be conducted, Annexure R3(a) Stop Memo has to be vacated which culminated in Annexure A2 judgment passed by the Hon'ble High Court of Kerala permitting me to operate my quarry for mining building stone until final orders are passed in accordance with Annexure R3(c) judgment. Even though a Writ Appeal was preferred before the Division Bench against Annexure A2 judgment, the same got dismissed and the original applicant came before this Hon'ble court with the above Original Application as Forum shopping.
12. Thereafter the SEAC Kerala on by its meeting held on 06.10.2020 passed Annexure A3 to start quarrying operation and to intimate the SEAC Kerala. When I proposed start the quarry, the original applicant herein, who is highly influential and who is capable enough of purchasing a Forum filed a complaint before the Mine Safety Department, Bangalore that I am operating a quarry without their permission. Accordingly they issued a direction not to operate the quarry unless and until they inspect the site in order to ascertain whether mining a feasible in the property. Therefore I was unable to star operation of my quarry in the light of Annexure A2 judgment.



13. I produced all the documents before the Mine Safety Department, Bangalore and due to the pandemic situation and the lockdown in Bangalore they were unable to visit my side and ultimately during the month of February they visited the site and permitted to operate my quarry for carrying out blasting test by the National Institute of Technology Suratkal as direct by the SEAC Kerala as well as the Mine Safety Department, Bangalore. Thereafter when report of the NIT Suratkal was produced before the SEAC Kerala they considered the issue in its meeting held on 27-30 July, 2021, they decided to forward recommendation to the 1<sup>st</sup> respondent stating that quarrying in the property of the petitioner stipulated in the approved mining plan is feasible subject to the conditions laid down in Annexure A1 along with additional conditions stated therein. A true copy of the relevant pages of the minutes of 123<sup>rd</sup> meeting of the SEAC Kerala held on 27/30-07-2021 is produced herewith and may be marked as **Annexure R3(o)**.
14. Now as per Annexure R3 (o), the 1<sup>st</sup> respondent can only accept Annexure R3(o) in accordance with condition No. 8(ii) of the Environment Impact Assessment Notification, 2006 in next meeting of the 1<sup>st</sup> respondent. Therefore the finalization of proceedings based on Annexure R3 (a) in accordance with the directions contained in Annexure R3(c) judgment as well as Annexure A2 and Annexure R3(g) judgment is at the final stage and if any interference by this Forum in the above O.A as well as the interim application will adversely affect the 3<sup>rd</sup> respondent and also on the finalization of the proceedings on Annexure R3(a) as directed by this Hon'ble Court of Kerala in various of the above judgments.

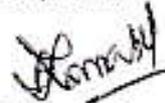
In these circumstances it is humbly prayed that this Hon'ble Forum may be pleased to dismiss the above original application O.A. No. 76/2021 and the interim application I.A. No. 120/2021 in O.A. No. 76/2021 with compensatory costs to me.

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



3<sup>rd</sup> RESPONDENT

Solemnly affirmed and signed before me by the deponent who is personally  
known to me in my office at Ernakulam, on this the 30<sup>th</sup> day of August, 2021



Jobi Jose Kondody  
Advocate

Dated this the 30<sup>th</sup> day of August, 2021



Jobi Jose Kondody  
Advocate

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**MINUTES OF THE 99<sup>th</sup> MEETING OF THE STATE ENVIRONMENT  
IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA, HELD ON  
21<sup>st</sup> & 22<sup>nd</sup> NOVEMBER 2019 IN THE CONFERENCE HALL OF  
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY  
KERALA**

**Present:**

1. Dr.H.Nagesh Prabhu IFS (Retd), Chairman, SEIAA
2. Dr.Usha Titus I.A.S, Principal Secretary, Higher Education & Member Secretary, SEIAA
3. Dr. Jayachandran.K, Member, SEIAA

The meeting started at 11.00 AM and agenda items were taken up for discussion.

Item No.99.01 Minutes of the 98<sup>th</sup> meeting of SEIAA held on 18<sup>th</sup> & 19<sup>th</sup> October 2019 for information

Noted

Item No.99.02 Action Taken Report of 97<sup>th</sup> SEIAA Meeting -held on 24<sup>th</sup> September 2019

Noted.

The follow up actions taken by SEIAA team, on decisions taken in SEIAA meeting is appreciated.

Item No.99.03 Action Taken Report of 98<sup>th</sup> SEIAA Meeting held on 18<sup>th</sup> & 19<sup>th</sup> October 2019

Noted.

The follow up actions taken by SEIAA team, on decisions taken in SEIAA meeting is appreciated.

*[Handwritten Signature]*

Annexure R3(K)2

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Item No.99.53 Renewal of environmental clearance for the removal of ordinary earth from Sy. No.B.24, 321/9 at Mulanthuruthy Village, Kanayannur Taluk, Ernakulam District Kerala by Sri.P.M.Paulose, Pathepallil Pulikamyali P.O, Mulanthuruthy, Ernakulam - 682314. (File No.471/A2/2019/SEIAA)

Authority decided to effect necessary correction in the Survey No. in the EC already issued and inform the same to proponent.

Item No.99.55 Judgment dated 4.10.2019 in WP(C) No.31684/2016 filed by Tomy Thomas (File No.1255/EC4/2016/SEIAA) (Common Judgment in WP @ 31684/2016, WP ( C).15505/2016 &WP ( C) 25529/2019).

Authority noticed that the Hon'ble High Court by its common judgment dated 04.10.2019 in WP(C) No.31684/16, 15505/16 & 25529/19 has directed the SEIAA to finalise the proceedings pertaining to Ext P11 Stop Memo dated 22.09.16 issued by the SEIAA, after providing an opportunity of hearing to the petitioner, petitioner in WP(C) No.25529 of 2019, 8<sup>th</sup> respondent in WP(C) No.31684/16, ie. K.G.Anil Kumar, Convenor, Kizhakkemala Protection Council, Secretary of the Grama Panchayst and all other stake holders including Centre for Earth Science Studies (CESS). Hence Authority decided to give an opportunity of being heard to all the above persons in the next SEIAA meeting and notices may be issued accordingly.

Item No.99.57 Environmental Clearance for the Proposed Expansion of HPCL-LPG Mounded Storage Facility At Kochi LPG Bottling Plant, in Survey No. 28/12-26, Thiruvankulam Village, Kanayannur Taluk, Ernakulam District, Kerala by Sri.Gopakumar Balakrishnan, Sr. Manager, Hindustan Petroleum Corp. Ltd (File No. 1136 (B)/EC/SEIAA/KL/2017)

Authority noticed that, as per the notification S.O.1960(E) dated 13.06.2019, an amendment was made to EIA Notification, 2006 by omitting item 6(b) and the entries relating thereto. Accordingly, item 6(b), which requires prior EC, is not in the schedule to

Minutes of the 99<sup>th</sup> meeting of SEIAA held on 21<sup>st</sup> & 22<sup>nd</sup> Nov 2019

This is a true copy of the document marked as ANNEXURE in the above case

ADVOCATE

MINUTES OF THE 100<sup>th</sup> MEETING OF THE STATE  
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)  
KERALA, HELD ON 23<sup>rd</sup> & 24<sup>th</sup> DECEMBER 2019 IN THE  
CONFERENCE HALL OF STATE ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY, KERALA

Present:

1. Dr. H. Nagesh Prabhu IFS (Retd), Chairman, SEIAA
2. Dr. Usha Titus I.A.S, Principal Secretary, Higher Education & Member Secretary, SEIAA
3. Dr. Jayachandran.K, Member, SEIAA

The meeting started at 11.00 AM and agenda items were taken up for discussion.

Item No.100.01 Minutes of the 99<sup>th</sup> meeting of SEIAA held on 21<sup>st</sup> & 22<sup>nd</sup> November 2019 for information

Noted

Item No.100.02 Action Taken Report of 99<sup>th</sup> SEIAA Meeting held on 21<sup>st</sup> & 22<sup>nd</sup> November 2019

The follow up actions taken by SEIAA team, on decisions taken in 99<sup>th</sup> SEIAA meeting is appreciated.

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Annexure R3(1)2

Item No.100.36

Complaint against the quarry of Sri.Charles Mathew, Palathara constructions Pvt.Ltd. (File No.835/EC4/2713/2015/SEIAA)

As intimated by the Standing Counsel of SEIAA in Hon'ble High Court of Kerala further opportunity of being heard was given Smt.Marykutty to appear before the Authority on 23.12.2019 through a registered AD Letter which was delivered to her on 11.12.2019, as per delivery record of postal department. However she did not appear before the Authority.

It is noticed that the SEAC has made certain observations about the functioning of the Palathara Constructions and suggested for issuing the Stop Memo. Before issuing the Stop Memo, Authority decided to confirm the violations as pointed by SEAC, through respective responsible agencies.

Item No.100.37

Judgment dated 4.10.2019 in WP(C) No.31684/2016 filed by Tomy Thomas (File No.1255/EC4/2016/SEIAA) (Common Judgment in WP(C)31684/2016, WP(C).15505/2016 & WP(C) 25529/2019)

The Hon'ble High Court in its common judgment dated 4.10.2019 in WP(C) No.31684/2016, 15505/16 & 25529/19 directed the SEIAA to finalize the proceedings pertaining to Ext.P11 stop memo dated 22.09.2016 issued by the SEIAA, after providing opportunity of hearing to the petitioner, petitioners in WP ( C) No.25529 of 2019, 8<sup>th</sup> respondent in WP (C).No. 31684/16, ie, K.G.Anilkumar, Convener, Kizhakkemala protection council, secretary of the GramaPanchayat and all other stakeholders including Centre for Earth Science studies (CESS), the report drawn by the said organization in respect of the area in which the quarry is situated, the plans prepared under the Disaster Management Act, ie, National Plan, State plan and the District plan and all other inputs available and produced by the petitioners and the interested persons, and attain finality at the earliest, and at any rate, within three months from the date of receipt of a copy of the judgment.

As per the direction contained in the Judgment an opportunity of being heard was given to the above interested parties and during the hearing they have presented their cases and have given a written statement to that effect. An additional opportunity was also given

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Annexure R3(1)3

to all the interested parties to give in writing any thing more they want to represent for consideration within one week.

As the EC and subsequent a Stop Memo were issued almost three years back, in the light of issues brought out during personal hearing and to comply with the directions of Hon'ble High Court of Kerala, Authority decided to forward the relevant documents collected during the hearing to SEAC for a fresh field inspection and report. SEAC may give an advance intimation to all those interested parties who came for personal hearing.

Authority also decided to file an extension petition seeking additional time of three months to attain the finality in the case.

**Item No: 100.38 Judgment in WP(C) No.27987/2019 filed by Saseendran and others (File No.3906/A2/2019/SEIAA)**

The Hon'ble High Court has impleaded SEIAA as additional respondent in WP(C) No.27987/2019 filed by Saseendran and others and in the Judgment the Hon'ble High Court has sought instructions from the Standing Counsel as to the way forward for the said Authority in dealing with fresh grant of Environmental Clearance and post Clearance monitoring, from the angle of the Disaster Management Act and also as to whether in such cases the competent Disaster Management Authorities will have to be consulted before finalising further action.

- 1) As SEIAA has been impleaded in the Writ petition Authority decided to furnish para wise Statement of Facts to defend the case. The Legal Officer shall take steps to do the same as directed in the previous SEIAA meeting.
- 2) The court has issued an interim order dated 08.11.2019 seeking specific instructions of SEIAA on the matter of consulting the competent Disaster Management Authorities before finalizing fresh grant of EC and post EC monitoring from the angle of Disaster Management.

The Authority had taken a decision in its meeting held on 24.09.2019 to invite Member Secretary, State Disaster Management Authority to future meetings to help to clarify the hazard zonation of the area on which EC is sought, from the angle of Disaster

This is the true copy of the document  
Minutes of the 100<sup>th</sup> meeting of SEIAA held on 28.09.2019  
in the above case

Page 29  
ANNEXURE  
R3(1)  
ADVOCATE : *[Signature]*

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Annexure R3(m)

MINUTES OF THE 108<sup>th</sup> MEETING OF SEAC, KERALA, HELD ON  
13<sup>th</sup> & 14<sup>th</sup> JANUARY, 2020 AT THE CONFERENCE HALL,  
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,  
THIRUVANANTHAPURAM

DAY 1- 13-01-2020

The meeting started at 10.00 AM. The Chairman welcomed the members. The Committee then moved on to the deliberations on the agenda items.

Item No. 108.01 Minutes of the 107<sup>th</sup> SEAC meeting held on 24<sup>th</sup> December, 2019

Noted

Item No. 108.02 Minutes of the 100<sup>th</sup> SEIAA meeting held on 23<sup>rd</sup> & 24<sup>th</sup> December, 2019

Noted

Item 108.03 Application for Environmental Clearance for building stonequarry in Re-Survey No.234/1,234/2 & 234/5 in Muppayinad Village, Vythiri Taluk, Wayanad District. (File No. 1291/EC2/2019/SEIAA)

Decision: The Committee decided to recommend for issuance of EC subject to the specific condition that the proponent shall submit to SEIAA a certificate from the Village Officer to the effect that no natural calamity has taken place in the location during 2018 & 2019.

Mir Mohammed Ali, I.A.S  
Secretary

Dr.C.Bhaskaran  
Chairman

*(Signature)*

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Annexure R3(m) 2

Item No. 108.52

SEAC Field Inspection (File No.1255/EC4/2016/SEIAA)

Decision: The Committee entrusted Dr.C.Bhaskaran and Dr.R.Ajayakumar Varna for field inspection

Item No.108.53

Environmental Clearance for the proposed Granite Building stone Quarry project in Survey No.144/4 & 144/5 in Kalpetta Village, Vythiri Taluk, Wayanad District, Kerala State. by Mr.Robin P.R (File No.1322/EC1/2019/SEIAA)

Decision: The Committee decided to seek legal opinion from the Law Officer, SEIAA regarding the admissibility of the proposal in the light of the judgements of the Hon'ble High Court and Supreme Court on the conversion of land assigned for quarrying.

Item No.108.54

Environmental Clearance for Proposed Expansion with the addition of Hotel, 250 Bed Hospital, Nursing College, Hostel & other Buildings for Adlux Medicity & Convention Centre Pvt. Ltd in Re- Survey No.35/2 at Karakutty village, Aluva Taluk, Ernakulam District, Kerala by Dr. Sujith Sudheesan, Director, M/s Adlux Medicity & Convention Centre Pvt. Ltd (File No. 1186/A2/2018/SEIAA)

Decision:

The Committee discussed in detail the consolidated note and proposal given here under on the subject matter:

After several rounds of discussions, the said proposal was considered in the 100<sup>th</sup> SEAC meeting held on 11<sup>th</sup> & 12<sup>th</sup> July, 2019. The proponent was present and the consultant made a presentation. The Committee entrusted Dr. A.V. Raghu & Shri. K. Krishna Panicker for field inspection. Also, the proponent was directed to produce the documents regarding collecting and disposal of solid wastes. The field inspection was carried out on 22 July 2019.

Mir Mohammed Ali, I.A.S  
Secretary

Dr.C.Bhaskaran  
Chairman

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marked as EXHIBIT  
ANNEXURE  
in the above case

ADVOCATE

R3(m)  
*[Signature]*

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Annexure R3 (u)

**MINUTES OF THE 111<sup>th</sup> MEETING OF SEAC, KERALA HELD ON  
2 - 4 JUNE, 2020 AT THE CONFERENCE HALL,  
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,  
THIRUVANANTHAPURAM**

The 111<sup>th</sup> meeting of the SEAC Kerala was held during 2-4 June, 2020 observing all the lockdown protocols stipulated by the Government. The meeting started at 10.00 AM on 2<sup>nd</sup> June, 2020. The Chairman welcomed the members and observed that the meeting of SEAC could not be held during March-May, 2020 due to the lockdown. He further added that since a large number of proposals for grant of EC are pending, the backlog will have to be cleared to meet the timeframe stipulated in the EIA guidelines. The Committee then moved on to the deliberations on the agenda items.

Item No.111.01 Minutes of the 102<sup>nd</sup> SEIAA Meeting held on 10<sup>th</sup> & 11<sup>th</sup> February 2020

Decision: Noted

Item No.111.02 Minutes of the 103<sup>rd</sup> SEIAA Meeting held on 24<sup>th</sup> & 25<sup>th</sup> February 2020

Decision: Noted

Item No.111.03 Minutes of the 110<sup>th</sup> SEAC meeting held on 11<sup>th</sup> & 12<sup>th</sup> February 2020

Decision: Noted

Sd/-  
Mir Mohammed Ali I.A.S  
Secretary

Sd/-  
Dr. C. Bhaskaran  
Chairman

*[Handwritten signature]*

Item No: 111.59

Judgment dated 4.10.2019 in WP(C) No.31684/2016 filed by Tony Thomas (File No.1255/EC4/2016/SEIAA) (Common Judgment in WP © 31684/2016, WP (C).15505/2016 & WP (C) 25529/2019)

Decision:

The Committee accepted the observations in the Field Inspection Report and decided that the environmental and social safeguard of the building stone quarry has to be evolved through a detailed Environmental Impact Assessment study and precise Environmental Management Plan for the proposed project. The EIA should cover the impact of the activities of the proposed project in and around the site within an impact zone of 3km radius. The impact assessment should specifically cover the impacts on:

- (i) All the buildings and constructed structures within the radius of 500m and the impact due to the proposed blasting;
- (ii) Different types of buildings and constructed structures within the impact zone of 3km radius and the impact due to the proposed blasting;
- (iii) Air quality and noise level of the impact zone due to blasting and transportation;
- (iv) Surface drainage;
- (v) Groundwater levels due to blasting and consequent vibration;
- (vi) Sloping terrain with special reference to the possibility of inducing landslides;
- (vii) Biodiversity and
- (viii) Social aspects including employment, income and involuntary land acquisition.

The study should cover an area of 3km radius of the proposed mining spot. A detailed land use and land cover map of an area covering 500m radius of the proposed mining spot should also be submitted. The Committee decided to direct the proponent to submit the above details/documents so that a studied decision can be taken on the matter.

Sd/-  
Mir Mohammed Ali L.A.S  
Secretary

Sd/-  
Dr.C.Bhaskaran  
Chairman

This is the true copy of the document  
marked as ANNEXURE R3(u)  
in the above case

ADVOCATE

*[Signature]*

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Appendix R3(0)

MINUTES OF THE 123<sup>rd</sup> MEETING OF THE SEAC KERALA HELD DURING 27<sup>th</sup> - 30<sup>th</sup> JULY 2021 AT THE CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, THIRUVANANTHAPURAM

The 123<sup>rd</sup> meeting of the SEAC KERALA was held online during 27<sup>th</sup> - 30<sup>th</sup> July, 2021 observing all the Covid-19 protocols stipulated by the Government. The meeting started at 10.00 AM on 27<sup>th</sup> July, 2021 with Dr.C. Bhaskaran, Chairman, SEAC KERALA chairing. The Chairman welcomed the members to the meeting. The Committee then moved on to the deliberations on the agenda items.

**PHYSICAL FILES**

**Item No. 123.01** Minutes of the 122<sup>nd</sup> SEAC meeting held on 15<sup>th</sup> - 18<sup>th</sup> June 2021

Decision: Noted. The Committee also ratified the decisions of the Chairman with respect to the changes in the Field Inspection Teams and nominations to the Joint Inspection Committees.

**Item No.123.02** Environmental Clearance for Granite building Stone Quarry in Sy. Nos. 464/2A, 464/2B/1, 464/1A/1,462/1A/2, 463/3B, 464/3/2 and 464/3/1 in Thirumarady Village, Muvattupuha Taluk, Ernakulam District - Judgment in WP (C) 7697/2021 (J) filed by Smt. Bindhu P.A.,Thevarmadom Granites -Revalidation of EC (File No. 997/EC3/4906/2015)

Decision: The proponent and the RQP were present. The RQP made the presentation. The Committee entrusted Sri.K.Krishna Panicker and Dr.N. Ajith Kumar with the field inspection.

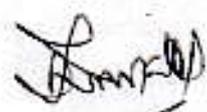
**Item No. 123.03** Judgment in WP (C) 3721/2021 filed by Sri.C.P.Muhammed-regarding the validity of EC. (File No.748/EC4/2021/SEIAA)

Decision: The proponent's authorised representative and the RQP were present. The RQP made the presentation. The Committee entrusted Shri.K.Krishna Panicker and Dr.A.V. Raghu with the field inspection.

**Item No.123.04** Judgment in WP (C) 5361/2021 filed by Sri.Linej T.P- regarding the validity of EC. (File No.912/EC4/2021/SEIAA)

Decision: The proponent and the RQP were present. The RQP made the presentation. The Committee entrusted Shri.K.Krishna Panicker and Dr.A.V.Raghu with the field inspection.

**Item No.123.05** Environmental clearance for the proposed quarry project in Survey No. 163 (Block No.22),2/2-2,2/4-3,2/4-2,3/1-2,2/3,2/2-3,2/4-4,2/4-5 (Block No.27) in Urangattiri Village, Ernad Taluk, Malappuram District, Kerala by Mr. K.V. Moideenkoya, M/s Kallarattikkal Granites (File No. 1230/EC2/2019/SEIAA)



			earth for filling clay extracted areas is 19480 m <sup>3</sup>
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**Item No.123.13** Environmental Clearance for the Commercial project "Ozone Mall" in Sy. Nos. 4/2B, 146/1 and 146/7 at Pathaikara Village, Perinthalmanna Municipality, Perinthalmanna Taluk, Malappuram District, Kerala by Sri. A.K. Abdul Aziz, M/S INOA Properties & Developers L.L.P. – Request to remove the Ordinary Earth – reg :- (File No. 864/SEIAA/ EC1/3073/2015)

Decision: The Committee heard both the proponent & the Consultant and directed the proponent to submit the hearing note in this regard.

**Item No.123.14** Environmental Clearance for the proposed Building stone Quarry project in Survey No. 236/3,237/1&238/2 in Thirumeni Village, Payyannur Taluk, Kannur District, Kerala State by Mr. Narikkadan Dasan (File No. 1292/EC2/2019/SEIAA)

Decision: The Committee scrutinized the additional documents submitted by the proponent and decided to direct the proponent to submit the following additional document:

- Source of water proposed in the project is not found feasible and therefore a revised proposal for source of water should be submitted.

**Item No.123.15** Judgment dated 4.10.2019 in WP(C) No.31684/2016 filed by Shri. Tomy Thomas (File No.1255/EC4/2016/SEIAA) (Common Judgment in WP © 31684/2016, WP (C).15505/2016 & WP (C) 25529/2019)

Decision: The Committee scrutinized the additional documents submitted by the proponent and decided to forward the recommendations to SEIAA. The quarrying in the said location as stipulated in the approved mining plan is feasible subject to the EC conditions issued earlier and the following additional conditions:

- Blasting should be conducted with a maximum of 30 holes in a blast round using 32mm diameter blast holes drilled with handheld Jack hammer drill to a maximum depth of 1.5m and each hole charged with a maximum of 250gm of explosive.
- Nonel based shocktube detonators should be used for initiation so as to have hole to hole delay of 17ms and 25ms and accordingly row to row delay of 25ms or 42ms.
- Blast should be conducted by a qualified personnel as stipulated by the Director General of Mine Safety.
- Adequate muffling arrangement should be made to restrict fly rocks within 10m.

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- e. Blasting configuration and layout should be strictly according to the recommendation in the study report of the Department of Mining Engineering, National Institute of Technology- Karnataka (NIT-K), Suratkal, Mangalore dated 16.4.2021.
- f. The blasting configuration and layout as per Table 4 and Figure 20 given the report should be displayed in front of the project site.
- g. Haulage road should be completed with adequate width and lower gradient prior to the commencement of mining.
- h. The catchwater drains should be complete in all respects prior to the commencement of mining
- i. A water holding and clarifier pond should be set up at the bottom portion of the site so as to prevent outflow of turbid water.
- j. Adequate Rain Water Harvesting structure should be provided on the lower part of the site.
- k. Overburden dumping site should be provided with protective walls.
- l. The existing steep cutting should be set right with adequate benches with stipulated height and width prior to commencement of regular mining.
- m. A separate plot to preserve the rare and endemic species, if any, should be earmarked.
- n. Planting of trees of local species on both sides of the road within the project site should be completed prior to commencement regular mining.
- o. A Local Monitoring Committee consisting of the President, Thalappalam GP, Member of the concerned Ward of Thalappalam GP, One nominated Member of the Biodiversity Management Committee of the Thalappalam GP, Proponent of the Mine Project, Expert in the Environment Management Cell (EMC) of the Project should be constituted. The Committee will meet once in two months and monitor the conditions stipulated in the mining approval, consent to operate and environmental clearance and their suggestions should be implemented by the EMC without amending any conditions stipulated in various clearances obtained for operating the mine.

**Item No.123.16**      **Application for Environmental Clearance for Granite building Stone Quarry in Survey No. 221 in Mundakkayam village, Kanjirapally Taluk, Kottayam District (2434/EC2/2019/SEIAA)**

**Decision:** The Committee scrutinized the additional documents submitted by the proponent and decided to direct the proponent to submit the following additional documents:

This is the true copy of document produced and marked  
In the above case as *Ameyure R3(O)*  
Advocate *[Signature]*