

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
APPEAL NO.4 OF 2025**

IN THE MATTER OF:

Shaji A.K

.... Appellant

V.

The State Environment Impact Assessment Authority,

SEIAA, Kerala and Ors

.... Respondents

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Dated at Chennai on this 26th day of June, 2025

For


COUNSEL FOR 3rd RESPONDENT

DR. PRABHU GONDRI

Standing Counsel for SEIAA, Kerala.

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
APPEAL NO.4 OF 2025**

IN THE MATTER OF:

Shaji A. K

.... Appellant

V.

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.... Respondents

REPLY FILED ON BEHALF OF THE 3RD RESPONDENT

I, Chandraprasad KK, aged 52 Years, S/o. CN Karunakaran, 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 statement on behalf of the Respondent No.3. I crave leave of the Hon'ble Tribunal to file statement as and when additional facts are available to the Respondents.

2. It is submitted that the Reply in parawise is traversed herein below: -

1&2) No remarks.

3&4) Environmental Clearance was issued to 7th respondent for the Granite Building Stone Quarry Project for an area of 1.4336 Ha. at Re-Sy Block No. 37, Re-Sy Nos. 74/1Dpt, 74/608pt in Kuttoor Village, Payyannur Taluk, Kannur on 20.09.2023. The Environmental Clearance was issued by

Following the EIA notification - 2006, of MoEF&CC and its subsequent amendments. During the appraisal process, the SEAC conducted the field inspection in and around the area and verified all the relevant documents



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including the cluster certificate issued from the District Geologist, Kannur, Mining and Geology Department. The SEAC/SEIAA assessed the cluster condition based on the amendments in EIA notification 2006, issued by MoEF&CC on 15.01.2016 (Annexure-A4), 01.07.2016 (Annexure-A5), 25.07.2018 (Annexure- A6), 14.08.2018 (Annexure-A7), the order of the National Green Tribunal dated 13.09.2018 (**Copy enclosed as Annexure R3 A**) and OM dated 12.12.2018 (Annexure-A8). As per the cluster certificate dated 24.06.2022 by the District Geologist, Kannur, it is noted that there are two quarries, viz; M/s Megha Engineering & Infrastructure Ltd. having an area of 2.1854 Ha and M/s RDS project Ltd. having an area of 0.9933 Ha (quarrying permit expired), within 500m radius of the proposed project area of 7th Respondent. Altogether the total cluster area is 4.6123 Ha. (1.4336+2.1853+0.9933). Since the total cluster area is less than 5 Ha, as per the existing norms there was no cluster situation, which requires EIA report and Public Hearing (**Copy enclosed as Annexure R3 B**). Also, as per the letter dated 03.11.2022, the District Geologist, Kannur, reported that there is no boundary overlaps in the project area, with other quarries. Based on the report of the Village Officer, Kuttoor, the District Geologist reported that there are no irregularities found on the applied area and recommended consideration of the application of 7th respondent. The above report along with the field inspection report of the SEAC subcommittee was deliberated in the 135th SEAC meeting in the light of the judgment of the Hon'ble NGT in OA 75 of 2021 and recommended EC for this project with 23 site Specific Conditions in addition to the General Conditions for mining of minor minerals.

It is submitted that before the issuance of Environmental Clearance; the SEIAA/SEAC has scrutinized all the relevant documents pertaining to the application for Environmental Clearance and sought several additional documents in various meetings, and also get report from stakeholder departments. The shortcomings were rectified during the appraisal process and a field inspection by the Sub-Committee was also conducted for ascertaining the ground realities and verified the adjacent areas. Since all

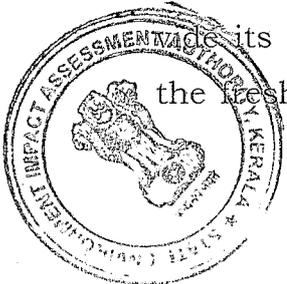


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the due procedures were followed before the issuance of EC by SEIAA, the contention of the petitioner is baseless.

5&6) The judgment of the Hon'ble NGT is pertaining to the project of the M/s RDS Project Pvt. Ltd which is also situated in the same survey No. 74/1D. SEIAA has granted two EC's in the adjacent area, where there are resources available as per the approved mining plan. The two project areas are not part of the RDS Project area, even if it is in the same Sy. No. as that of RDS. During the appraisal process of this project, the SEAC noted that as per the joint committee report, quoted in the judgment of Hon'ble NGT in OA 75/2021, no further mining lease can be granted as the resources have been exhausted in that area. However, the statement was pertaining to the violation reported area of M/s RDS project. Besides, the mining plan for those projects were approved by the Mining & Geology Department, since there is resource to extract. As per the field visits conducted by SEAC subcommittee, and the report from the District Geologist, the boundaries of the quarry of Sri. M.P Lalu was not overlapping with other quarries in the area.

As per the Order of the Hon'ble NGT dated 25.01.2022 in OA No.75/2021, there is only one direction to SEIAA, ie: to take action against the Project Proponent, M/s RDS Project Ltd. for violation of EC conditions. The Authority in its 113th meeting held on 19th & 20th April 2022, noted the direction of the Hon'ble NGT in OA No. 75/2021 and observed that the direction towards SEIAA is to take appropriate action against the M/s RDS Project Pvt. Ltd. for the violation of the EC conditions. As part of the action against the violation of the Environmental Clearance conditions, Show Cause Notice was issued to the Project Proponent of M/s RDS project on 07.06.2022, with a direction to submit the explanation within 3 weeks from the date of receipt of Show Cause Notice. Even after the allowed period, no reply has been received from the Project Proponent to the Show Cause Notice. The Authority cancelled the EC issued to M/s RDS Project Pvt. Ltd. its proceedings dated 19.11.2022. The 3rd respondent also rejected the fresh EC application submitted by M/s RDS Project Pvt. Ltd, as it is



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abutting the violated area in OA No.75/2021. Thus, it is submitted that the 3rd respondent has fully complied with the direction of the Hon'ble NGT in OA No.75/2021.

7) No remarks

8&9). The SEAC/SEIAA assessed the cluster condition based on the amendments in EIA notification 2006, issued by MoEF&CC on 15.01.2016 (Annexure-A4), and the order of the Hon'ble National Green Tribunal dated 13.09.2018. During the appraisal process of the proposal, the SEAC sub-committee had conducted a field visit on 23.06.2022 and reported that there is an abandoned quarry within 500 m radius. Based on this observation, the SEAC sought recent cluster certificate. As per the cluster certificate dated 24.06.2022 from the Mining and Geology Department, it is noted that there are two quarries, viz; M/s Megha Engineering & Infrastructure Ltd. having an area of 2.1854 Ha (Letter of intent was granted as per the cluster certificate and EC was granted on 24th March 2023) and M/s RDS project Ltd. 0.9933 Ha (quarrying permit expired), with in 500m to the proposed project area. Altogether the total cluster area is 4.6123 Ha. (1.4336+2.1853+0.9933). Since the total cluster area becomes less than 5 Ha., as per the existing norms there was no cluster situation, for getting EIA report & public hearing, as the cluster area is below 5Ha. Also, as per the letter dated 03.11.2022, from the District Geologist, Kannur, no boundary overlaps were reported in the project area. Since no cluster area of more than 5 ha is recognized in the project area, the SEIAA/SEAC appraised the application based on the EMP and other documents stipulated as per EIA Notification, 2006 and issued Environmental Clearance. Hence the averment of the petitioner is baseless.

10 & 11) The appraisal of the EC application, based on the DSR made mandatory as per the Notification dated 16.01.2016 and prior to that, there was no DSR. The Mining & Geology Department prepared the DSR based on the guideline issued in 2016 and published the DSR in November 2016.

It is true that the proposal was appraised by considering the DSR prepared in the year 2016. The said DSR was prepared by the Mining & Geology



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Department based on the S.O.141(E) of MoEF&CC dated 15.01.2016. Later the MoEF&CC vide its OM dated 25.07.2018 published the guidelines for the preparation of DSR. The Mining & Geology Department is revising the 2016 DSR based on the revised guideline. A few Project Proponents were submitted application to MoEF&CC during the time of expiry of the SEIAA Kerala and during appraisal, the EAC of MoEF&CC directed to provide DSR as per OM dated 25.07.2018. As per the judgment dated 16.02.2022, in WP(C) No 5209/2022, the Hon'ble High Court of Kerala issued direction to EAC to use the existing DSR. The DSR prepared by the Department of Mining & Geology in November 2016 was considered while appraising the application for EC, by considering the judgment of the Hon'ble Court.

12, 13 & 14) Regarding the implementation of Annexure A6 notification, the Authority informed the Mining and Geology Department to expedite the revision of the DSRs and they had prepared draft DSR for the minor minerals of Kollam and Kannur and submitted to SEIAA and is under scrutiny of SEAC. After thorough verification, the DSRs will be approved with changes or modifications if any and also the process will follow for other districts. A DO Letter reminding the expeditious process of the DSR preparation was also sent to the Director, Mining and Geology Department vide Letter No. 412/A2/2022/SEIAA dated 07.02.2024. Also, during the appraisal stage, the SEAC subcommittee didn't find any violation in the project area during their field inspection.

15) Though the project area comprises a cluster condition, with other quarries, the area confines well below 5ha. and the averments of the petitioner is baseless. Since the project is under 5 ha, it comes under the category B2. For that, Form 2, Form 1M, Environment Management Plan, Pre-Feasibility Report, Mining Plan, etc. are mandatory and the 7th respondent provided all those documents. The SEAC verified those documents during the appraisal before granting the environmental clearance.

16) No remarks



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17) As per the EIA notification – 2006 issued vide S.O 1533 (E) of MoEF&CC dated 01.07.2016, it is stated that 'A cluster shall be formed when the distance between the peripheries of one lease is less than 500 mts from the periphery of other lease in a homogenous mineral area.' If a cluster or individual lease size exceeds 5 Ha, it becomes B1 Category and as per the judgment of the Hon'ble NGT dated 13.09.2018, EIA with EMP is mandatory. To finalize the EIA, the Project Proponents have to conduct the mandatory public hearing. Here, by considering all the quarries in 500m radius, the altogether area is less than 5 ha, which is B2 Category and hence no EIA is required. Even if the total cluster becomes more than 5 ha, each Project Proponent in the cluster has to submit separate application with same EIA report. In this case, based on the cluster certificate from the District Geologist and from the field inspection report, the area is below 5 Ha and EIA is not mandatory. The 7th respondent has submitted the required EMP along with the application.

18, 19 & 20) The averments of the petitioner are baseless as the certificate provided by the District Geologist clearly indicates that there are two quarries having an area of 2.1854 ha and 0.9933 ha with in 500m radius. At the time of appraisal of the application of 7th Respondent, the 2nd quarry, M/s RDS Project was not working and it is stopped as per judgment dated 25.01.2022 in OA No.75/2022. Even if by considering the two projects there is no cluster situation as the total area is less than 5 Ha. Also, the field inspection conducted by the Sub-Committee confirms the same. Besides, there is no overlapping of the proposed area with the adjacent quarry.

As per the cluster certificate, dated 24.06.2022- Annexure A9(a) from the Mining and Geology Department, it is noted that there are two quarries, viz; M/s Megha Engineering & Infrastructure Ltd. having an area of 2.1854 Ha (Letter of intent was granted) & M/s RDS Projects Ltd. having an area of 0.9933ha. As per the cluster certificate, EC was granted to the M/s Megha Engineering & Infrastructure Ltd. on 24th March 2023. Based on a complaint and the report from the District Geologist, the EC was suspended




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by SEIAA vide order dated 21.05.2024 and a show cause notice was issued vide letter dated 21.05.2024. The reply to the Show Cause Notice was placed in the 142nd SEIAA meeting 30th and 31st May, 2024, and the Authority noted that the M/s Megha Engineering & Infrastructure Ltd. denied the alleged violations reported by the District Geologist and requested for a joint inspection to ascertain the fact. The Authority sought remarks of the District Geologist on the letter dated 08.5.24 of the Project Proponent to which the District Geologist reported the action taken by the Mining & Geology Department, as they have issued the demand notice for remitting royalty, price, and compounding fees for 1839.25 Metric Tons of Laterite building stone illicitly excavated from the lease area. In response to that, Sri. Madhusoodhanan, land owner submitted a treasury challan for Rs. 466,420 as compounding fee, royalty, and price for the unauthorized extraction of Laterite Building Stone on 06.03.2024. The District Geologist also reported that no action was taken regarding the Ordinary Earth, which remained dumped adjacent to the site without being transported, thus not violating the mineral concession rules. Later, a complaint was received from Sri. Shaji AK, and the 147th SEIAA meeting held on 27th & 28th August, 2024 heard the complainant with his advocate Sri. Harish Vasudevan and Sri. Abdul Nizar, representative of the Project Proponent and Dr A. Damodaran, the Consultant. The Authority after hearing both the parties decided that, on receipt of the hearing notes, the SEAC shall inspect the project area in the presence of the complainant to verify the complaint and to assess the compliance status of the EC and submit the report with recommendations. The Authority also decided that the suspension issued will be revoked only after considering the report and recommendation of SEAC. Meantime, the Authority noted that vide the Judgement dated 25.09.2024 in WP(C) No. 33573 of 2024, the Hon'ble High Court of Kerala directed the Director, Mining & Geology Department to take a decision on the representation of the petitioner Sri. A. K. Shaji after hearing the Petitioner and the Project Proponent within a period of two months in the light of the fact that mining operation was carried out by the Proponent in violation of the condition of the KMMC Rules, 2015 and SEIAA is not a



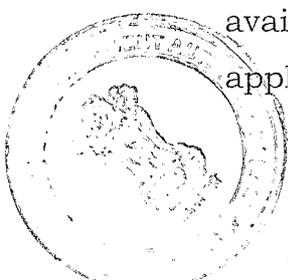

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respondent in the Writ Petition. The 150th SEIAA meeting held on 27th & 28th November, 2024 decided to wait for the decisions of the Director, Mining & Geology Department as directed by Hon'ble High Court and in the meantime SEAC to conduct field inspection as directed in the 147th SEIAA meeting for finalizing the action to be taken against the Project Proponent.

21) No remarks.

22) Annexure A13 OM is based on the order of the Hon'ble NGT in OA No. 142/2022 in the matter of Jayant Kumar Vs. MoEF&CC, for the re-appraisal of Environmental Clearances issued by DEIAA all over the country. As per the OM, direction was given to the EC holders who were granted EC from DEIAA for re-appraisal in the stipulated period. The EC to the 7th respondent's project was issued from SEIAA, Kerala and hence no need to re-appraise as per OM dated 28.04.2023. Among the quarries within 500m radius, M/s RDS Projects had DEIAA issued Environmental Clearance, but the same was not functional as per the Hon'ble NGT Order dated 25.01.2022, at the time of submission of Environmental Clearance application by the 7th respondent. The EC of the M/s RDS project was cancelled by the Authority vide Order dated 19.11.2022 and hence there is no EC. Also, in the case of DSR, the Authority considered the judgment by the Hon'ble High Court of Kerala in W.P (C) 5209/2022 dated 16th February 2022 which direct the EAC, MoEF&CC to consider the EC application on the basis of the DSR 2016. (*Ananthu Sunil Vs. State of Kerala and Ors.*)

23&24) It is evident that the EC was issued to 7th respondent after thorough appraisal. The SEAC appraised the application by verifying all the documents and additionally sought site specific documents, conducted field verification, heard the presentation of the project by the Registered Qualified Person who prepared the mining plan and also getting legal opinion from Legal Officer, SEIAA and additional reports from District Geologist, Kannur to ascertain the cluster condition and the resource availability in the proposed area. During the appraisal process of this application, the Committee noted that as per the joint committee report




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quoted in the judgment of Hon'ble NGT in OA 75/2021, no further mining lease can be granted as the resources have been exhausted in that area. However, the statement was pertaining to the violation reported area of M/s RDS project. Besides, the mining plan for those projects were approved by the Mining & Geology Department, since there is resource to extract. The SEAC again re-considered the proposal of 7th respondent as per the direction of the 3rd respondent (122nd meeting) and verified. The averment of the petitioner regarding the overlapping of boundaries of quarries is baseless as the report of the District Geologist says otherwise.

25) The contention of the petitioner is not true. The SEIAA/SEAC has considered every aspect of the project including the EMP, cluster condition as per the cluster certificate and ground reality, Mining Plan, field inspection report, PFR, etc. during the appraisal of the project and hence there is no violation of judgments.

26 & 27) The Environmental Clearance was issued by following the due procedure laid down in the EIA notification – 2006, by MoEF&CC and its subsequent amendments. The DSR prepared by the Department of Mining & Geology in November 2016 was considered while appraising the application for EC. Also, as per the order of the Hon'ble High Court in WP (C) No.5209/2022 of Ananthu Sunil Vs State of Kerala, the Hon'ble Court ordered that the DSR 2016 should be considered by MoEF&CC while finalizing the orders regarding the Environmental Clearance. Regarding the implementation of Annexure A6 notification, the Authority informed the Mining and Geology Department to expedite the revision of the DSRs and they had prepared draft DSR for the minor minerals of Kollam and Kannur and submitted to SEIAA and is under scrutiny of SEAC. After thorough verification, the DSRs will be approved with changes or modifications if any and also the process will follow for other districts. A DO Letter reminding the expeditious process of the DSR preparation was also sent to the Director, Mining and Geology Department vide Letter No. 412/A2/2022/SEIAA dated 07.02.2024. During the appraisal process, the SEAC had conducted the field inspection and verified all the relevant



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documents including the cluster certificate issued from the Mining and Geology Department. The representation (Annexure-A18) mentioned in the Statement was not received in the SEIAA office.

28) No remarks.

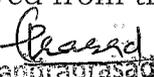
29-34) In WP(C)43954/2023, against the project of M/s Megha Engineering & Infrastructure Ltd. there was no specific direction to SEIAA to comply with.

35) The Annexure A24 judgment clears about the cluster situation in the area. In the judgment it is stated that "...per se we are not able to say that ECs issued is in any flagrant violation of any norms."

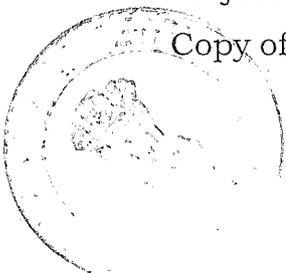
36) No remarks.

37) The petition was disposed by Hon'ble Court directing the respondent Authorities to look into the representation and take appropriate action forthwith. As per the report of District Geologist dated 13.02.2024, based on the field inspection conducted by them on 27.09.2023 stated that the extraction of ordinary earth and laterite from the project site was carried out by violating the EC conditions. Ordinary earth was used for filling another quarry pit and laterite mining was done without obtaining separate EC. The Authority observed that the Project Proponent of M/s Megha Engineering & Infrastructure Ltd. has committed grave irregularity by violating the EC conditions. Based on the report, the Authority suspended the EC of M/s Megha Engineering and Infrastructures Ltd. and also issued a Show Cause Notice. However, the action was taken based on the violation of the EC and not with respect to the granting of EC. The proposal was placed in the 146th SEIAA meeting held on 29th and 30th July, 2024. The proposal of M/s Megha Engineering and Infrastructures Ltd. was placed in the 146th SEIAA meeting and the Authority deliberated the item and noted the reply of the Project Proponent dated 08.05.2024 and the representation of Sri. A. K. Shaji dated 16.06.2024. The Authority decided to hear the Project Proponent and the instant appellant Sri. Shaji in its next meeting.

Copy of the explanation received from the Project Proponent provided to the


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instant appellant. The hearing intimation was issued to Sri. Prabakar (Project Proponent) and to Sri. A. K. Shaji (Appellant) vide letters dated 17-08-2024. Both the appellant and Project Proponent were heard in the 147th SEIAA meeting held on 27th and 28th August 2024.

38) As per the EIA notification – 2006 issued vide S.O 1533 (E) of MoEF&CC dated 01.07.2016, it is stated that 'A cluster shall be formed when the distance between the peripheries of one lease is less than 500 mts from the periphery of other lease in a homogenous mineral area.' If a cluster or individual lease size exceeds 5 Ha, it become B1 Category and as per the judgment of the Hon'ble NGT dated 13.09.2018 in OA No.186/2016 in the matter of Satendra Pandey vs MoEF&CC, EIA with EMP is mandatory. To finalize the EIA, the Project Proponents have to conduct the mandatory public hearing. Here, by considering all the quarries in 500m radius, the altogether area is less than 5 ha, which is B2 Category and hence no EIA is required. Even if the total cluster becomes more than 5 ha, each Project Proponent in the cluster has to submit separate application with same EIA report. In this case, based on the cluster certificate from the District Geologist and from the field inspection report, the area is below 5 Ha and EIA is not mandatory. As it is a B2 Category, since the area of below 5ha, no EIA report and public hearing is required. Though the area comprises a cluster of quarry projects, the cumulative area is well below 5ha and the averments of the petitioner regarding the splitting of the land is not true. The EMP of each project was considered separately by SEAC and specific recommendations were made to ameliorate the environmental impacts due to those quarry operations.

39) Since the SEAC relied on its own field verification, input from joint committee report as per NGT order, cluster certificate and report regarding the overlapping of project area submitted by the District Geologist, and the documents submitted by the Project Proponent, the suppression of facts is not evident here and the deliberate suppression of facts with regard to cluster situation as alleged by the Appellant is not correct. The SEAC has considered the Annexure A3 judgment of the Hon'ble NGT and the joint



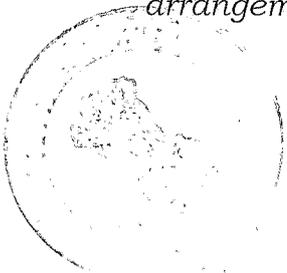
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committee report while arriving the recommendation of the project, and also sought legal opinion. The impacts have been already assessed by the team of experts constituted as per the Annexure-A3 judgment for the project of M/s RDS Projects Pvt. Ltd. and the entire area of M/s RDS projects Ltd was already mined out as per Annexure A10. Also, the observation of the Court is on the area of M/s RDS project and the proposed area by the 7th Respondent is an unmined area.

40) The environmental damage has already been assessed by the joint committee and the penal amount of Rupees 1.58 Crore was paid by M/s RDS projects Pvt. Ltd. There were certain site-specific conditions imposed on the Environmental Clearance issued to the 7th respondent on road, ground water, etc. such as,

1. *“Drainage system incorporating garland canal, silt traps, siltation pond and outflow channel connecting to a natural drain should be provided prior to the commencement of mining.*
2. *Garland drain should be enlarged to carry the entire overland flow of the adjacent slopy region of the quarry.*
3. *Garland drain, silt-traps, siltation ponds and outflow channel should be desilted periodically and geo-tagged photographs of the process should be included in the HYCR.*
4. *Monitoring of drainage water should be carried out at different seasons by an NABL-accredited lab and clear water should only be discharged into the natural stream. Geo-tagged photographs of the drainage and sampling site should be submitted along with HYCR.*
5. *The overburden dumping site should be protected with gabion walls to prevent erosion.*
6. *The haulage road should be developed prior to the commencement of mining and it should be maintained well and dust-free with sprinkling arrangement.*



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7. Adequate facilities should be adapted to harvest the rainwater as per guidelines issued by the Central Groundwater Authority.

8. Buffer zones should be demarcated and green belt should be developed by planting trees, climbers and herbs of local species as mentioned in the biodiversity assessment report.”

41) The SEIAA/SEAC has considered both the cluster certificate and the DSR prepared by the Mining and Geology Department 2016 for appraising the project. The applicant's allegations are baseless as the permits given in Annexure-A11 were only for the area of M/s RDS projects and the areas are almost same for the entire period. The area of 0.9933 Ha of M/s RDS projects Pvt. Ltd. has already been included in the cluster certificate issued by the District Geologist. Hence, considering the whole area of M/s RDS projects Pvt. Ltd will not lead to a cluster situation as it is less than 5ha. There is no documentary evidence for mining lease, as per the cluster certificate there are two quarries with in 500m radius, altogether becomes less than 5 ha. TOR, EIA and public hearing are not necessarily implied here. The application has been submitted through PARIVESH portal dedicated for the Environmental Clearance and during the submission of this application, Form-2 was the available option to submit for the proposed project.

42) It is submitted that as per the Half Yearly Compliance Report dated 29.09.2023, the Project Proponent has published an advertisement in local newspapers regarding Environmental Clearance accorded to the quarry project. Also, the Project Proponent has stated that the EC was uploaded in their Company website. A screenshot of the same was also attached along with the HYCR.

43) No remarks

44) As per the cluster certificate, there is no cluster having area more than 5 ha. The SEAC/SEIAA issued the EC after thorough appraisal and considering the resource availability and judgment of Hon'ble NGT. Hence



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the averments of the petitioner are baseless and is liable to be dismissed as such.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the plea and 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 25th day of June, 2025.



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RESPONDENT No. 3

VERIFICATION

I, Chandraprasad KK, aged 52 Years, S/o. CN Karunakaran, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of paras are true to the best of my personal knowledge and paras believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 25th day of June, 2025.



Chand
Chandraprasad K. K.
(PEN: 123636)
Deputy Secretary to Govt. &
Legal Officer, State Environment
Impact Assessment Authority
KSRTC Bus Terminal Complex, Thampanoor
Thiruvananthapuram-1

RESPONDENT No. 3

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 186/2016
(M.A. No. 350/2016)
And
Original Application No. 200/2016
And
Original Application No. 580/2016
(M.A. No. 1182/2016)
And
Original Application No. 102/2017
And
Original Application No. 404/2016
(M.A. No. 758/2016, M.A. No. 920/2016,
M.A. No. 1122/2016, M.A. No. 12/2017 & M.A. No. 843/2017)
And
Original Application No. 405/2016
And
Original Application No. 520 of 2016
(M.A. No. 981/2016, M.A. No. 982/2016 & M.A. No. 384/2017)

IN THE MATTERS OF:

**Satendra Pandey
Vs.
Ministry of Environment, Forest & Climate Change & Anr.
And
Rajeev Suri Vs. Union of India
And
Badal Singh Vs. Union of India & Ors.
And
Nature Club of Rajasthan (NGO) Vs. Union of India & Ors.
And
Naresh Zargar Vs. Ministry of Environment & Forest and Anr.
And
Rajeev Suri Vs. Union of India & Anr.
And
Vikrant Tongad Vs. Union of India**

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: Applicant:	Mr. Rahul Choudhary and Ms. Meera Gopal, Advs. in Original Application No. 388/2018
Respondents	Mr. Divya Prakash Pande, Adv. for Ministry of Environment, Forest and Climate Change Dr. Abhishek Atrey, Adv. for Ministry of Environment, Forest and Climate Change Mr. Amit Tiwari, Adv. for State of Uttar Pradesh Mr. Ashok Kumar Sharma and Mr. Kshitij Mudgal, Advs. Mr. V.K. Shukla, and Ms. Vijay Lakshmi, Advs. for State of MP, State Environment Impact Assessment Authority & Mining Corporation Mr. Rahul Pratap, Adv. for Ministry of Environment, Forest and Climate Change Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal and Mr. Vikramjeet Singh, Advs. for State of Rajasthan

Date and Remarks	Orders of the Tribunal
<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>1. By this application, the applicant has sought to assail Notifications dated 15.01.2016, 20.01.2016 and 01.07.2016 amending the EIA Notification dated 14.09.2006 on the ground that the procedure for obtaining Environmental Clearance in respect of mining of minor minerals for areas from 0 to 25 ha has been diluted by bringing it within B-2 category projects and exempting such category from Public Consultation, Environment Impact Assessment (EIA) and Environment Management Plan (EMP) which was in contravention of the judgment of the Hon'ble Supreme Court in <i>Deepak Kumar Vs. State of Haryana & Ors.: (2012) 4SCC 629</i> and also of this Tribunal in <i>Original Application No. 123 of 2014</i> dated 13.01.2015.</p> <p>2. The crux of the case of the applicant is that while in <i>Deepak Kumar</i> case (supra) it had been held that all mining leases in respect of its size would require to obtain Environmental Clearance and be subjected to strict regulatory framework as that of all major minerals, the impugned Notifications, more particularly 15.01.2016, exempts the necessity of having EIA and Public Consultation for areas upto 25 ha.</p> <p>3. According to the applicant the impugned Notification dated 15.01.2016 provided exemption of the rigors of the necessity of EIA and EMP even for areas ranging from 5 to 25 ha when in the earlier Notifications it was necessary from 5 to 50 ha. It was contended that the Hon'ble Supreme Court had expressed its concern on</p>

	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>dispensing with the necessity of obtaining Environmental Clearance and the other requirements cognate thereto for areas less than 5 ha in the case of <i>Deepak Kumar</i> (supra).</p> <p>4. Further contention was that B-category as it stood originally, was broken to B-1 and B-2 categories by bringing areas of mining of minerals from 25 ha to 50 ha within B-1 category and 0 to 25 ha as B-2 category. For B-2 category, the authority prescribed for grant of Environmental Clearance is now the District Environment Impact Assessment Authority (DEIAA) which would base its decision on the recommendations of District Expert Appraisal Committee (DEAC).</p> <p>5. Further contentions of the applicant in assailing the Notification dated 15.01.2016 are as follows:</p> <p>a) Form-1M prescribed in the impugned Notification dated 15.01.2016, required to be submitted for mining of minor minerals upto 5 ha under Category B-2 projects provided in Appendix-VII, is generic seeking only basic details pertaining to the lease holder and the mine with perfunctory information on the environmental effect of the project which was in contrast to Form-1 which is required to be filled up for all other categories which is comprehensive seeking detailed information on environmental implications of the project.</p> <p>b) B-2 projects of 0 – 5 ha under individual and cluster category are exempted from requirements of preparing an Environment Impact Assessment</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>Report (EIA) and Environment Management Plan (EMP) and those greater than 5 ha and less than or equal to 25 ha are exempted from preparing Environment Impact Assessment Report (EIA) both with respect to individual Mine Lease and cluster situation. No such exemption has been provided in para 7 (i) of the EIA Notification, 2006 under Stage (2) - Scoping which stipulates such requirement, but it has been done away with now at Appendix-XI of Notification dated 15.01.2016.</p> <p>c) EIA/EMP is an integral and most critical component of Environmental Clearance as it is only through the EIA that the potential impacts and risks of a project can be assessed and mitigation measures formulated and adopted in the EMP. By exempting EIA/EMP, critical environmental aspects like anticipated environmental impacts, mitigation measures and additional studies involving public consultation, risk assessment, social impact assessment and rehabilitation and resettlement action plans, stand exempted. These requirements provided under Appendix-III, defeats the very purpose of the Notification and the Environment (Protection) Act, 1986.</p> <p>d) The District Level Environment Impact Assessment Authority (DEIAA) and District Level Expert Appraisal Committee (DEAC) comprises mostly of officers/bureaucrats who have no</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>expertise and scientific knowledge to assess environmental implications, and have been conferred with excessive and uncanalized power devoid of any guidelines. Even the power to appoint the Expert Members vested upon the authorities in the DEIAA and DEAC are unguided whereas there is an extensive elaborations with regard to qualifications, skill sets and competencies for the members of SEAC and SEIAA.</p> <p>6. Based, <i>inter-alia</i>, upon the aforesaid grounds, the applicant seeks a direction for quashing the impugned Notifications.</p> <p>7. Mr. Divya Prakash Pande, Ld. Counsel for MoEF&CC in his arguments, at the outset, raised objection as to the maintainability of the application on the ground of jurisdiction of the Tribunal to grant relief for quashing the impugned notifications. It is contended that the decision of this Court in the case of <i>S.P. Muthuraman v. Union of India</i>, in O.A. No. 676 of 2017 (Earlier O.A. No. 37/2015) whereby the Tribunal has held that it had the jurisdiction to pass such orders has since been challenged before the Hon'ble Supreme Court in Civil Appeal No. 7191-7192 of 2015 and is yet to be decided and, by implication of the orders passed by the Hon'ble Supreme Court, operation of the impugned judgement stands stayed.</p> <p>8. On the merits of the application, it is submitted that Notification dated 15th January, 2016 which is sought to</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>be assailed, had been passed by the MoEF&CC in exercise of its powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986. The notification was issued after due deliberations with various stakeholders and the State Governments over the draft notification in respect thereof issued on 22nd September, 2015 and, after a committee constituted <i>vide</i> letter dated 3rd December, 2015 to examine the comments/suggestions submitted by them, had submitted its report. The impugned Notification provides for DIEAA/DEAC in the districts which also includes appointment of Officers/bureaucrats as experts in the two bodies. The impugned Notification is further justified by the Learned Counsel contending that as the Executive Engineer, Irrigation Department has been made part of the DEAC as he deals with the rivers and canals in the district and, therefore, has the best information and knowledge about sand and gravel deposits in the districts. The Forest Department officials are also part of these committees who have the ability to do value addition in forest areas or areas adjoining the forest having deposits of minor minerals.</p> <p>9. Upon consideration of the fact and circumstances set out in the original application and upon hearing the Ld. Counsel for parties, we find that the impugned Notification dated 15th January, 2016 is not consistent with the decision of the Hon'ble Supreme Court in the case of <i>Deepak Kumar (supra)</i>. We find substance in the</p>
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<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>submissions of the Ld. Counsel for the applicant that while breaking category B of the mines to B-1 & B-2 may not <i>per se</i> be bad, it certainly dilutes the stringent requirement of lease areas upto 25 ha being exempted from the necessity of submitting EIA and EMP for grant of Environmental Clearance. It is undisputed that the impugned Notification is issued with the object to comply with the directions passed in the case of <i>Deepak Kumar (supra)</i>. This case had arisen as the EIA Notification dated 14th September, 2006 was being flouted by breaking homogenous areas into pieces of less than 5 ha in the States of Uttar Pradesh, Rajasthan and Haryana, as the notification then did not require Environmental Clearance for areas less than 5 ha. The Hon'ble Supreme Court after noting the serious deleterious effect of quarrying, mining and removal of sand in-stream and up-stream of rivers to the environment, in paragraphs 9 and 10 (of SCC), held as follows:</p> <p><i>“9. Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, in-stream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts on both in-stream biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand.</i></p> <p><i>10. We are expressing our deep concern since we are faced with a situation where the</i></p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p><i>auction notices dated 3-6-2011 and 8-8-2011 have permitted quarrying mining and removal of sand from in-stream and upstream of several rivers, which may have serious environmental impact on ephemeral, seasonal and perennial rivers and river beds and sand extraction may have an adverse effect on bio-diversity as well. Further it may also lead to bed degradation and sedimentation having a negative effect on the aquatic life. The rivers mentioned in the auction notices are on the foothills of the fragile Shivalik hills. Shivalik hills are the source of rivers like Ghaggar, Tangri, Markanda etc. River Ghaggar is a seasonal river which rises up in the outer Himalayas between Yamuna and Satluj and enters Haryana near Pinjore, District Panchkula, which passes through Ambala and Hissar and reaches Bikaner in Rajasthan. River Markanda is also a seasonal river like Ghaggar, which also originates from the lower Shivalik hills and enters Haryana near Ambala. During monsoon, this stream swells up into a raging torrent, notorious for its devastating power, as also, river Yamuna.</i></p> <p><i>11. We find that it is without conducting any study on the possible environmental impact on/in the river beds and elsewhere the auction notices have been issued. We are of the considered view that when we are faced with a situation where extraction of alluvial material within or near a riverbed has an impact on the rivers physical habitat characteristics, like river stability, flood risk, environmental degradation, loss of habitat, decline in biodiversity, it is not an answer to say that the extraction is in blocks of less than 5 hectares, separated by 1 km, because their collective impact may be significant, hence the necessity of a proper environmental assessment plan.”</i></p> <p>10. The Hon’ble Supreme Court also took note of the fact that the MoEF&CC had constituted a Core Group under the Chairmanship of the Secretary (Environment & Forest) to look into the environment aspects associated with mining of the minor minerals <i>vide</i> order dated 24th March, 2009 with specific terms and conditions. The Core Group after consideration of various issues including cluster of mine approach for addressing and implementing EMP in case of small mines, submitted a report on 29th</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>January, 2010 with the recommendation to permit mining of minor minerals under strict regulatory regime and carried out only under an approved framework of mining plan which should provide for reclamation and rehabilitation of mine areas. For smaller mine lease areas a cluster approach was recommended. It was directed that the States should adopt the recommendations and the model guidelines framed by the Ministry of Mines, namely the Model Rules, 2010.</p> <p>11. In pursuance of the directions, the impugned Notification dated 15th January, 2016 was ultimately issued. The MoEF&CC Notification dated 14th December, 2006 as it stood earlier prescribed for two categories of projects and activities as Category A and Category B based on the spatial extent of potential impacts, potential impacts on human health and natural and man-made resources. Stage (1)-Screening that provides for Category 'B' projects or activities, entail scrutiny of an application seeking prior Environment Clearance made in Form 1 by the concerned State Level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of EIA for appraisal prior to grant of Environment Clearance depending upon the nature and location specificity of the project. It further provides that the project requiring EIA report would be termed as Category 'B-1' and remaining projects as Category 'B-2' that would not require EIA report. Discretion to make such categorization was left upon the MoEF&CC and to issue appropriate guidelines from time to time. This</p>
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<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>provision was a subject matter of challenge in the case of <i>Himmat Singh Shekhawat v. State of Rajasthan</i>, 2015 ALL (I) NGT Reporter (1) DEL 44 by which it was upheld as having been issued by the Ministry as a Subordinate Legislation. However, the office memorandums dated 24th June, 2013 and 24th December, 2013 prohibiting grant of Environment Clearance to the mine areas of less than 5 ha was quashed as being in conflict with the aforesaid provision.</p> <p>12. The only contention that require for us to consider in this case is as to whether the Notification dated 15th January, 2016 would satisfy the spirit of the directions issued in the case of <i>Deepak Kumar (supra)</i>. As already noted, EIA Notification dated 14th September, 2006 under the Schedule provided thereto require all mining lease area of equal to and up to 50 ha to seek Environment Clearance requiring to submit EIA for appraisal from the SEIAA.</p> <p>13. The impugned Notification dated 15th January, 2016, however, would clearly indicate that Category B has been split into category B1 and B2 and again, category B2 has been further split into areas of 0-5 ha and 5-25 ha. While 0-5 ha has been exempted from the requirement of EIA/Public Consultation, such exemption has also been provided even for mining areas of 5 ha to 25 ha with the DEAC and the DEIAA as the prescribed authority for evaluation and grant of Environmental Clearance. Category B-1 being mining areas of 25 ha to 50 ha, the authorities prescribed are the SEAC and SEIAA. For falling in excess of 50 ha being Category-A, it is the EAC and the</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>MoEF&CC.</p> <p>14. The procedure for grant of the Environment Clearance by the DEIAA for areas between 0 to 5 ha falling under Category 'B-2' is found prescribed in paragraphs 6, 7(iii) (a) and 7(iii) (b) of the impugned Notification read with appendices VIII, X and XI. The Schematic Presentation of Requirement of Environment Clearance of Minor Minerals including cluster situation provided in a table to Appendix XI would substantiate indubitably that even for areas between 5 to 25 ha, no EIA and Public Hearing is required and in cluster situation also, the requirement of EIA and Public Hearing have been exempted.</p> <p>15. Introduction of such procedure, in our view, is clearly not consistent with the directions contained in the case of <i>Deepak Kumar (supra)</i> and the spirit behind such direction. By the provision, mining area upto from 5 ha to 25 ha has been completely exempted from the EIA and Public Consultation. For areas of 5 ha and below, apart from the exemption, it has been made only subject to a separate procedure of preparing a District Survey Report (DSR). These provisions quite apparently are more mine-centric rather than striving a balance between mining and environment especially with regard to Form-1M which needs to be made more elaborate incorporating environment related aspects.</p> <p>16. The Sustainable Sand Mining Management Guidelines, 2016 prepared by the MoEF&CC has also deprecated the procedure as will appear from below which</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>is contained in the chapter on “The Issues and Management of Mining in Cluster”:-</p> <p>“It is seen that the categorization of mines into 'B1' and 'B2' category in which Category 'B2' leases are being exempted from the requirement of Environment Impact Assessment, Environment Management Plan, and Public Consultation for grant of EC, in many cases now the mining leases are being given for 25 hectares or less. This defeats the purpose and intent of Hon'ble Supreme Court Judgment which orders environment clearance for all mining leases irrespective of size. The environment clearance without Environment Impact Assessment, Environment Management Plan, and Public Consultation does not serve the purpose of environment clearance which is to ensure environmentally sustainable and socially responsible mining. So if a cluster or individual lease size exceeds 5 hectare, the EIA/ EMP should be completed in the process of grant of prior environment clearance.”</p> <p>17. Thus, even according to the Sustainable Sand Mining Management Policy issued by the MoEF&CC by dispensing with Public Hearing, the judgment of the Hon'ble Supreme Court in the case of <i>Deepak Kumar (supra)</i> will stand defeated.</p> <p>18. We also find that parameters for consideration while preparing District Mining Plan (DMP) and District Survey Report (DSR) are only for the purpose of ascertaining whether an area is fit for mining which are quite different from the parameters laid down for EIA. The consideration of the view point of the public by keeping DSR in public domain is not a substitute of Public Hearing for consideration of the view point of the public for EIA.</p> <p>19. With specific reference to mining in cluster, the Report of the Committee of Secretaries, Ministry of Environment, Forest and Climate Change, 2010 recommended as follows:</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p><i>“Considering the nature of occurrence of minor mineral, economic condition of the lessee and the likely difficulties to be faced by Regulatory Authorities in monitoring the environmental impacts and implementation of necessary mitigation measures, it may be desirable to adopt cluster approach in case of smaller mine leases being operated presently.”</i></p> <p>20. This report which is a part of the Sustainable Sand Mining Management Guidelines, 2016 finds reinforcement in the Chapter “The Issues and Management of Mining in Cluster” referred to earlier where it has inter-alia been recommended as under:</p> <p><i>“The Hon’ble Supreme Court, NGT, SEAC/EAC and the Project Proponents have raised issue of cluster in mine lease allotment and environment clearance for the same, so following conditions need to be ensured for cluster of mines:</i></p> <ol style="list-style-type: none"> <i>1. To address the concern of adverse impact of minor mineral mining on environment it is proposed that all mining activity including river sand mining (above 5 hectare individual or cluster) will need to prepare Environment Impact Assessment Report and Environment Management Plan before grant of environment clearance. These reports (EIA /EMP) can be prepared by the State or State nominated Agency / the Project Proponent (s).</i> <i>2. As can be seen from the data provided by the States most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill states getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.</i> <i>3. The EIA Notification, 2006 does not provide for cluster EC, it provides for issuance of EC to individual project proponents and the same has also been upheld in the judgment of Hon’ble Supreme Court in Vijay Bansal vs. State of Haryana case. So EC will have to be applied for and issued to the individual project proponent.</i> <i>4. A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.</i> <i>5. The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management</i>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p><i>Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.</i></p> <p>6. <i>The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.</i></p> <p>7. <i>There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.</i></p> <p>8. <i>The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and District Expert Appraisal Committee (DEAC), SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.</i></p> <p>9.</p> <p>10.</p> <p>11.”</p> <p>21. Dispensing with the requirement of Public Hearing which forms a part of the Public Consultation under Stage-III of the Environmental Clearance process under EIA Notification, 2006 for areas measuring 0 to 25 ha for individual mine areas and in cluster situation where public hearing has been provided, has resulted in gross dilution of EIA Notification dated 14th September, 2006. Such dilution would, in our view, result in its misuse by unscrupulous elements and the situation would revert</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>back to the lawless state prevailing prior to the decision in the case of <i>Deepak Kumar (supra)</i>. Stringent measures are, therefore, necessary if the rampant exploitation of the minor minerals is to be curbed. This apparently was also the view of the Hon'ble Supreme Court in the case of <i>Deepak Kumar (supra)</i>.</p> <p>22. For all these reasons, we direct that the procedure laid down in the impugned Notification be brought in consonance and in accord with the directions passed in the case of <i>Deepak Kumar (supra)</i> by (i) providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under Category B-2 at par with Category B-1 by SEAC/ SIEAA as well as for cluster situation wherever it is not provided; (ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA; (iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance; (iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (<i>supra</i>) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof; (v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area; (vi) the MoEF&CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining.</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>23. We have permitted retention of 0-5 ha as a category keeping in view that some States grant isolated single lease of 5 ha and less not falling in cluster situation for which stringent requirements in Form-1M will serve the purpose of providing safeguards for protection of the environment and sustainable mining of minor minerals. This is particularly true in smaller and mountainous States as will also appear from condition no. 2 under “The Issues and Management of Mining in Cluster” referred to earlier in para 20 of this order.</p> <p>24. It is reiterated that any attempt to split the lease area for the purpose of avoiding the applicable regulatory regime shall be viewed seriously. This in our view will be in the interest of the environment as deliberated in detail in the case of <i>Deepak Kumar (supra)</i> and would also satisfy the Precautionary Principle and the Principle of Sustainable Development contemplated under Section 20 of the National Green Tribunal Act, 2010.</p> <p>25. The MoEF&CC shall, therefore, take appropriate steps to revise the procedure laid down in the impugned Notification dated 15th January, 2016 in terms of the above directions and observations so that it is conformity with the letter and spirit of the directions passed by the Hon’ble Supreme Court in <i>Deepak Kumar (supra)</i>.</p> <p>The applications stand disposed of.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV & AT</p>	<p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">13.09.2018</p>
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**GRANITE / BUILDING STONE QUARRY
OF**

**Mr. M.P LALU
KUTTUR VILLAGE
PAYYANNUR TALUK
KANNUR, KERALA**

Re-Survey No. :- 74/1D pt. ,74/608pt.

LIST OF DOCUMENTS

1.LATEST CLUSTER.

2.REVISED DRAINAGE PLAN.

NO.DOC/M-4407/2018

District Office,
Mining and Geology,
Civil Station, Kannur 670 002
Web: www.dmg.kerala.gov.in
E-mail: geo.kan.dmg@kerala.gov.in
Phone: 0497 2700106
Date: 24.06.2022

CERTIFICATE

This is to certify that the following quarry are seen within 500 Meters from the quarry of Sri.M.P.Lalu S/o M.K.Pavithran, Mankudy House, Kodanad.P.O., Kurichilakode, Ernakulam District - 683 544 from an area of 1.4336 hectare in Block No.37 Survey Nos. 74/1Dpt, 74/608 pt of Kuttur Village, Eramam-kuttur Panchayath, Payyannur Taluk, Kannur District, Kerala.

1. Quarry owned by Sri.Sumit Goyal, Managing Director, M/s.RDS Project Ltd., Shihab Thangal Road, Panampilly Nagar, Ernakulam- 682 020, from an area of 0.9933 Hectare, in Survey No. 74/1D, Kuttur Village, Eramam-kuttur Grama Panchayath, Payyannur Taluk, Kannur District (Quarrying Permit Expired)
2. Quarry owned by M/s Megha Engineering & Infrastructure Limited, S-2 Technocrat,Indl.Estate, Balangar, Hyderabad-500037 from an area of 2.1854 hectare in block No.37 in Re.sy.Nos.74/772, 74/151, 74/154, 74/152, 74/1D of Kuttur Village, Eramam-Kuttur Grama Panchayath, Payyannur Taluk, Kannur District (Applied for Quarrying Lease, Letter of Intent Issued)

This Certificate is issued to produce before DEIAA /SEIAA / Ministry of Environment & Forests, Government of India, New Delhi.

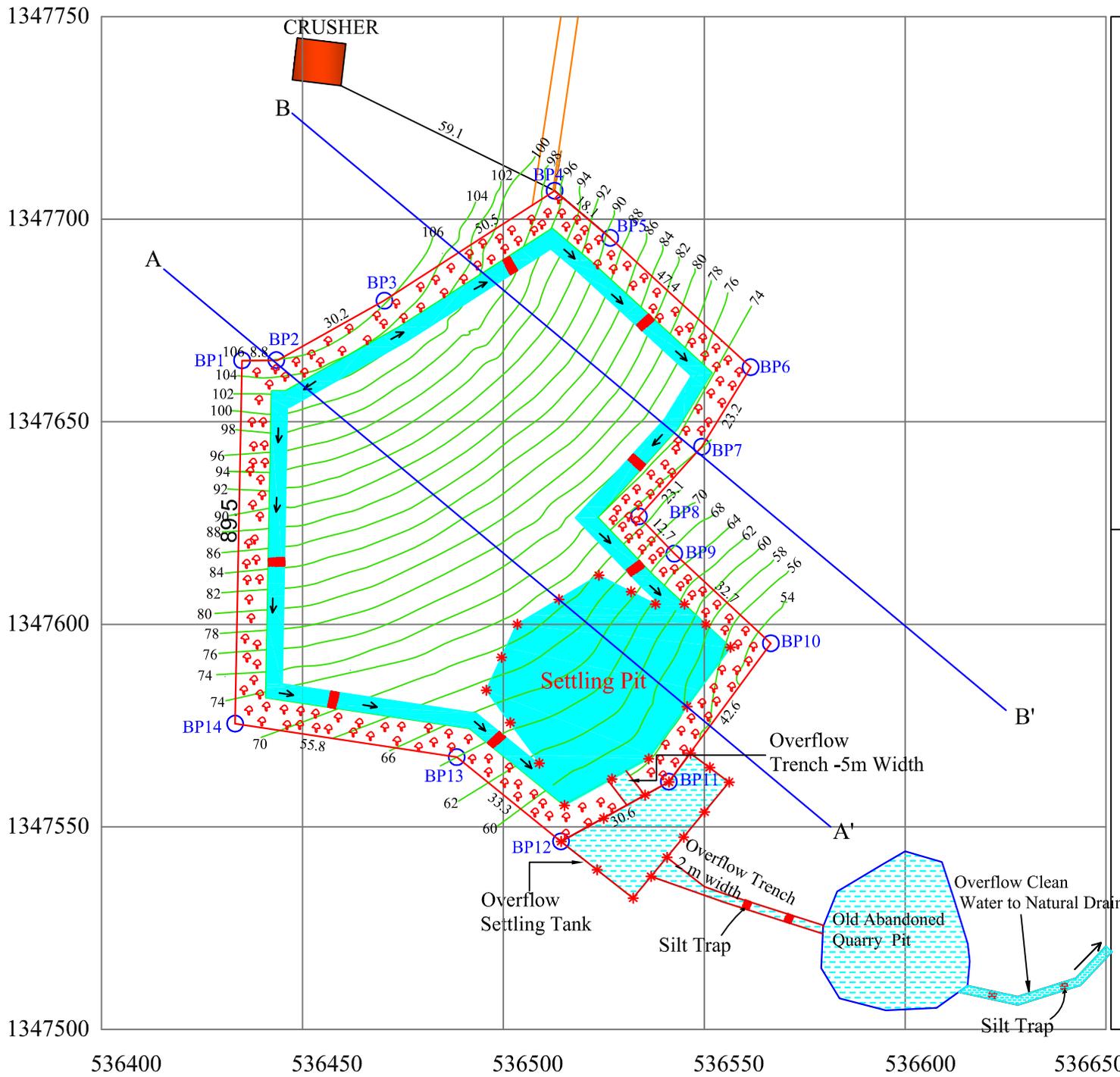
To

Sri. Sri.M.P.Lalu
S/o M.K.Pavithran,
Mankudy House,
Kodanad.P.O
Kurichilakode,
Ernakulam District - 683 544



[Handwritten signature]
24.06.22
GEOLOGIST

GEOLOGIST
Department of Mining & Geology
District Office
KANNUR - 670 002



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	Lease Boundary with Fencing		Settling Pit / Drainage
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	Section		Overflow Trench with Silt Traps
	Quarry Road		
	Overflow Settling Tank With Barbed Fence		

REVISED DRAINAGE PLAN

OWNER : Mr. M P Lalu

VILLAGE : Kuttur

TALUK : Payannur

DISTRICT : Kannur

STATE : Kerala

SURVEY NO : 74/1D Pt, 74/608 Pt.

LEASE AREA : 1.4336 Ha.

SURVEY DATE : 21-07-2018

SCALE : 1:1000