

Presented on : 13 -08-2024

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

APPEAL No. 43 OF 2024

Appellant : Shoukath Ali

Vs...

Respondents : MoEF & others

**REPLY AFFIDAVIT ON BEHALF OF THE 5TH RESPONDENT IN THE
ABOVE APPEAL**

**MATHEW & MATHEWS
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**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONAL BENCH, CHENNAI
APPEAL No. 43 OF 2024**

APPELLANT

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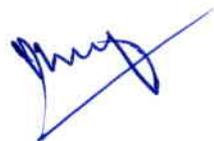
Vs...

RESPONDENTS:-

- 1) Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhavan, Jor Bagh, Ali Ganj, New Delhi - 110 003, represented by its Secretary, Phone - 01124642176. Email: secy@mcefcc.gov.in
- 2) State Environment Impact Assessment Authority (SEIAA Kerala), KSRTC Bus Terminal Complex, 4th Floor, Thampanoor, Thiruvananthapuram, Kerala - 95 001, represented by its Chairman, Ph:0471-2334262 Email: seacseiaakerala@gmail.com
- 3) State Expert Appraisal Committee, KSRTC Bus Terminal Complex, 4th Floor, Thampanoor, Thiruvananthapuram, Kerala - 95 001, represented by its Member Secretary Ph:0471-2334262 Email: seacseiaakerala@gmail.com
- 4) State of Kerala, represented by Secretary, Industries Department, Secretariat, Thiruvananthapuram, Kerala - 695 001 Ph: 0471 - 2302774
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Dated this the 10th day of August, 2024.


Counsel for the 5th Respondent

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- 3) State Expert Appraisal Committee, KSRTC Bus Terminal Complex, 4th Floor, Thampanoor, Thiruvananthapuram, Kerala - 95 001, represented by its Member Secretary Ph:0471-2334262 Email: seacseiaakerala@gmail.com
- 4) State of Kerala, represented by Secretary, Industries Department, Secretariat, Thiruvananthapuram, Kerala - 695 001 Ph: 0471 - 2302774
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REPLY AFFIDAVIT ON BEHALF OF THE 5TH RESPONDENT

I, M.K.Najeeb Ali, Aged 43 years, S/o. Hassainar, residing at Mannengal Kannamthodi House, Pulamanthole P.O., Malappuram - 679 323, do hereby solemnly affirm and state as follows:



1. I am the 5th respondent in the above Appeal. I know the facts of the case. The appeal is not maintainable either in law or on facts. The appellant does not have any valid **cause of action** nor **locus standi** to file this appeal. The Appeal is filed without any bonafides and nothing but an **abuse of process**. The same is filed as a pressure tactics and as a bargaining in disguise.
2. The allegations raised by the appellant in paragraph No.1, 2, 3 and 4 are not correct and therefore stoutly denied.
3. In para 1, the appellant has averred as follows:-

“The appellant and his family are native of Pulamanthole Village and are residing near the quarry site and the downhill of Chirattamala Hillock.”

It is further alleged that:-

“The appellant is highly affected by the environmental degradation caused due to the mining operations in the area by the 5th respondent”.

4. It is submitted that the above pleadings have been raised by the appellant so as to establish that he is personally aggrieved by the grant of Environmental Clearance and the quarrying operations conducted by this respondent for the purpose of maintaining the Appeal under section 18(1) read with Section 16 of the Act, 2010 and to invoke the jurisdiction of this Hon'ble Tribunal. It is submitted that the allegations of the appellant that he is highly aggrieved by the grant of Environmental Clearance to the proposed quarry is to be decided on the basis of pleadings made by the appellant herein.

5. As already submitted that the appellant has approached this Hon'ble Court by specifically pleading that he is **residing near** the quarry site. However, on enquiry it came to understand that the appellant is residing nowhere near to the quarry site or even Pulamanthole Village.
6. It is also came to understand that, the appellant, **does not own any residential building nor landed properties** within the territorial limits of Pulamanthole Village.
7. It is submitted that the appellant is residing in Malampuzha, Palakkad District which is more than 70 KM away from the quarry site and working as a teacher there. The appellant has approached this Hon'ble Tribunal by borrowing the address of somebody else.
8. The residential building, which situates in the address shown in the cause title of the appeal, stand in the name of somebody else and not in the name of the appellant.
9. It is submitted that, the residential premises, as per the address shown in the cause title, situates, **more than 1 KM** from the quarry site, which is explained below.
10. It is submitted that, the quarry of this respondent situated at a place locally known as **Illiankunnu** whereas the residential premises as per the address shown in the cause title, situates at a place locally known as **North Palur**. It is submitted that, in between Illiankunnu and North Palur lies places locally known as **Kuttialmukku** and **Kuzhikkadu**.

11. The **terrestrial distance** between the quarry and the residence claimed to be that of the appellant (shown in the cause title) **is 1100 meters** (measured with the assistance of GPS) and **the aerial distance is 680 meters.**
12. True copy of the Google Map showing the aerial distance between the quarry and the residential premises claimed to be that of the appellant is produced herewith and marked as **Annexure R5(A)**.
13. It is submitted that the appellant had approached this Hon'ble Tribunal by fraudulently misrepresenting that he is residing near the quarry site of this respondent. However, from the above, it is crystal clear that the appellant is residing far away from the quarry site and the claim of the appellant is false. It is also come to know that the appellant does not own any landed property within the limits of Pulamanthole Village.
14. True copy of the information obtained by this respondent, from the Pulamanthole Village Office, dated 20-1-2022 and its English Translation are produced herewith and marked as **Annexure R5(B)**.
15. From the above it can be seen that the pleading with respect to properties and residence, its nearness, etc. are absolutely incorrect and false. It is also pertinent to notice that in view of the true facts mentioned above, i.e. the appellant is residing far away from the quarry site and does not have any agricultural property anywhere near to the quarry, it is absolutely impossible



that the functioning of the quarry will prejudicially affect any of interest of the appellant. The appellant had approached this Hon'ble Tribunal by fraudulently misrepresenting that he is residing near to the quarry and the functioning of the quarry causes nuisance to him.

16. From the above facts, it is clear that the appellant has approached this Hon'ble Tribunal by making **fraudulent misrepresentation** and **suppression of those facts**, which are **relevant and material**, for deciding the question of **appellant's locus standi** to invoke the jurisdiction under Section 16 and by basing his case on **falsehood**.

17. From the above it is clear that, the appellant has approached this Hon'ble Tribunal without **clean hands** and **pure breast**. The Hon'ble Supreme Court in S.P.Chengalvaraya Naidu (dead) by L.Rs. v. Jagannath (dead) by L.Rs and others (AIR 1994 SC 853 = 1995 (1) KLT SN 23 (C No.32) held as follows:-

"The courts of law are meant for imparting justice between the parties. One who comes to the Court, must come with clean hands. We are constrained to say that more often than not, process of the Court is being abused. Property grabbers, tax-evaders, bank-loan-dodgers and other unscrupulous persons from all walks of life find the Court-process a convenient lever to retain the illegal-gains indefinitely. We have no hesitation to say that a person, who's case is based on falsehood, has no right to approach the Court. He



can be summarily thrown out at any stage of the litigation.”

18. The grant of Environmental Clearance or the functioning of the quarry, in view of the true factual circumstances narrated above, cannot and will not cause any prejudice/nuisance/threat/grievance in any form to the appellant, to his family or his so called residential building, agricultural operations, etc. and therefore the appellant cannot be treated as an **aggrieved person** for the purpose of Section 16 and he does not have any **locus standi** and valid **cause of action** to question the Environmental Clearance and to file this Appeal. The appeal is not maintainable. The question of maintainability is to be decided as the preliminary issue in the matter.
19. It is submitted that, the appeal is filed for **extraneous reasons** and it is sponsored by somebody, who is unwilling to expose itself before this Hon'ble Tribunal. The appeal is nothing but an **abuse of process, sponsored litigation** and a **bargaining in disguise**.
20. The allegation that the appellant is raising a substantial question relating to the environment with regard to the grant of Annex.A1 Clearance to the 5th respondent and that Annex.A1 is issued without any authority are absolutely incorrect, wrong, baseless and therefore stoutly denied.
21. The allegations raised by the appellant by referring to Annex.A2 are distorted and misconceived. The allegation that the respondent herein had later withdrawn the application and fresh

application has been submitted before the 2nd respondent etc. are absolutely incorrect, wrong and therefore stoutly denied. The allegation that the 2nd respondent was duty bound to follow Annex.A2 order dated 11-4-2018 passed by the Hon'ble High Court of Kerala in W.P.(c) No.41905/2017, but blatantly violated the same while issuing Annex.A1 Environmental Clearance is equally incorrect and wrong and nothing but misrepresentation and therefore stoutly denied. It is submitted that Annex.A1 Environmental Clearance had been granted by the respondent by scrupulously following the directions issued by the Hon'ble High Court of Kerala.

22. The allegations raised by the appellant by referring to Annex.A3 is absolutely irrelevant, incorrect and not applicable to the facts of the case and therefore stoutly denied.
23. The allegation that the ecological damages that were caused by this respondent in the area ought to have been considered by the 2nd respondent through a separate process and that the river/stream of water present at the quarry site was badly affected and damaged due to the illegal mining, etc. are absolutely incorrect, baseless, wrong and therefore stoutly denied.
24. The allegation by referring to the eco-system in Chirattamala, due to the alleged illegal mining of this respondent are absolutely baseless, irrelevant, incorrect and therefore denied. The allegation that if the 5th respondent had followed due process of law, and provisions of the Notification dated 14-3-2017, the 2nd

respondent ought to have rejected the Environmental Clearance due to the damage already caused by them and the future damage proposed to be caused etc. are absolutely baseless, wrong and therefore stoutly denied.

25. The allegation by referring to O.M. dated 30-5-2018 in paragraph No.4 are equally incorrect, wrong, misplaced and therefore stoutly denied. The allegation that as per O.M. dated 30-5-2018 issued by the Central Government, it is directed that the 2nd and 4th respondents shall strictly follow the directions of the Hon'ble Supreme Court in the Judgment in Common Cause's case is absolutely incorrect and not applicable to the facts of the case. The allegation raised by the appellant by referring to Annex.A4 O.M. is equally incorrect and therefore stoutly denied. The allegation by referring to the time limit of 14-9-2017 is contradictory to the allegations raised by the appellant himself and also unsustainable in law. The allegations raised by referring to Annex.A5 are absolutely incorrect, wrong and therefore stoutly denied. The allegation in paragraph No.5 that Annex.A2 was processed by the 2nd respondent in violation of the directions of the MoEF and in violation of Annex.A3 notification and Annex.A4 O.M. are absolutely incorrect and therefore stoutly denied. The allegation that Annex.A5 is not even a final order in the matter and that the 2nd respondent permitted the 5th respondent to move another Form-1M application for the same project etc. are absolutely incorrect, wrong and therefore stoutly denied.

26. It is submitted that pursuant to the order passed by the Hon'ble High Court of Kerala, the respondents have conducted thorough enquiry into the matter, including site inspection. It was found that the quarrying operation, which was conducted by this respondent was on the strength of quarrying permit and therefore the quarrying cannot be treated as illegal.
27. It is submitted that while the processing of the application was taking place pursuant to the direction of the Hon'ble High Court of Kerala, the National Green Tribunal in the year 2020, had passed a general order directing the Pollution Control Board to insist 200 meter as distance to be left from the nearby residential buildings etc. from the quarrying site.
28. It is in the light of the said general direction, that the application for Environmental Clearance submitted by this respondent was dropped since it was reported that there were buildings within 200 meters radius of the proposed quarry. At this juncture, it is pertinent to notice that, no other defects were pointed out by the SEIAA/SEAC. The general direction passed by the National Green Tribunal had been challenged and ultimately the Hon'ble Supreme Court in Municipal Corporation of Greater Mumbai v. Ankitha Sinha, had categorically held that the order passed by the National Green Tribunal, passing general directions, stand effaced from the record, since the same was issued without giving opportunity to the parties likely to be affected. Pursuant to such Judgment, the Hon'ble High Court of Kerala in Kokkallur Granites

Pvt. Ltd. vs. Director of Mining & Geology had held that the applications can be considered in accordance with law **as it exists**. It is pursuant to such change of law due to the judgment passed by the Hon'ble Supreme Court as well as Hon'ble High Court of Kerala that this respondent, approached the SEIAA with representation to consider his application.

29. It is submitted that, the representation submitted by this respondent was considered by the SEIAA in its 117th meeting which held on 30th and 31st August, 2022. The SEIAA after considering the various decisions of SEAC and SEIAA, the Judgment passed the Hon'ble High Court of Kerala in W.P.(c) No.41905/2017(K), the report of the District Collector, Malappuram, dated 14-9-2020 and the Field Inspection Report of the Sub Committee held on 19-4-2019 and also the general order of the NGT, dated 21-7-2020 and the report of the District Collector regarding distance and also the order of the SEIAA, dated 3-11-2021 and after considering the survey map of the Village Officer and the legal opinion of the Standing Counsel, decided to refer the matter back to the SEAC for appraisal.
30. True copy of the relevant pages of the 117th meeting of the Minutes of the SEIAA held on 30th and 31st August, 2022 is produced herewith and marked as **Annexure R5(C)**.
31. Upon such reference, the SEAC had considered the matter in its 133rd Meeting which held on 11th to 13th October, 2022, The SEAC after considering the previous proceedings and the report

submitted by the District Collector, etc, decided to appraise the proposal and entrusted a 2 member Committee for Field Inspection and report.

32. True copy of the relevant pages of minutes of 133rd meeting of SEAC which held on 11th 13th October, 2022 is produced herewith and marked as **Annexure R5(D)**.
33. Still later, the Sub Committee had inspected the site on 3-11-2022 and submitted their report.
34. True copy of the Field Inspection Report dated 3-11-2022 submitted by the Sub Committee appointed by the SEAC is produced herewith and marked as **Annexure R5(E)**.
35. It is submitted that the matter was again placed before the SEAC in its 135th meeting which held on 7th to 9th December, 2022. On the said date, the SEAC examined the proposal and discussed the Field Inspection Report and suggested that a temporary wall on the southern side of the proposed quarry to prevent any impact on the houses located on the southern side. The Committee also decided to direct this respondent to submit certain documents.
36. True copy of the relevant pages of the minutes of 135th Meeting of the SEAC Kerala which held on 7th to 9th December, 2022 is produced herewith and marked as **Annexure R5(F)**.
37. It is submitted that the respondent herein had forwarded all the documents required by the SEAC. The matter was again placed in the 138th meeting of the SEAC Kerala held on 16th to 17th

February, 2023. On the said date, the SEAC had verified the documents submitted by the proponent and found them satisfactory. Based on discussions the Committee decided to grant Environmental Clearance to this respondent with specific conditions in addition to general conditions. The Committee had recommended for 13 conditions.

38. True copy of the relevant pages of minutes of 138th meeting of the SEAC Kerala which held from 16th to 17th February, 2023 is produced herewith and marked as **Annexure R5(G)**.
39. The matter was again placed before the SEAC in its 141st meeting which held from 11th to 12th April 2023. In the said meeting the Committee decided to adhere its decision taken in the 138th SEAC to recommend the item with the conditions stipulated therein.
40. True copy of the relevant pages of the minutes of 141st meeting held on 11th to 12th April is produced herewith and marked as **Exhibit R5(H)**.
41. Thereafter, the matter placed before the SEIAA in its 127th meeting which held on 30th and 31st May, 2023. In the said meeting, the SEIAA after considering all the previous proceedings including the Judgment passed by the Hon'ble High Court of Kerala and report of the District Collector, Village Officer and recommendation of the SEAC had resolved to grant Environmental Clearance to this respondent with additional specific conditions and general conditions.

42. True copy of the relevant pages of the minutes of the 127th meeting of SEIAA, which held on 30th and 31st May, 2023 is produced herewith and marked as **Annexure R5(I)**.
43. From the above it is crystal clear that the respondents have decided to recommend for the Environmental Clearance and granted the Environmental Clearance after conducting proper appraisal by applying its mind. All the proceedings right from the judgment passed by the Hon'ble High Court of Kerala were considered several times. Inspection into the site were conducted twice. The complaint filed by one Mr.Chakku was also enquired into and report obtained from the District Collector. The application was again considered in the light of the change of law by the judgment passed by the Hon'ble Supreme Court and also the subsequent judgment passed by the Hon'ble High Court of Kerala whereby existing distance criterion was restored. At this juncture, it is pertinent to notice that, during the second round of processing, the respondent herein was asked to upload the application in the PARIVESH Portal. The same was also carried out.
44. It is thereafter that the application was further considered. However, by the time it was insisted that the application should be uploaded in the official portal i.e. Parivesh Portal. Earlier hard copies of the applications were sufficient. It is in such circumstances that the respondent had uploaded the application in Parivesh. This respondent has not filed any fresh application

as claimed by the appellant. The same was further processed and the SEAC had found that the project is feasible for grant of Environmental Clearance. The SEAC had made recommendation for grant of Environmental Clearance with conditions.

45. The allegation that no appraisal was done by the 3rd respondent and that based on discussions the Committee decided to recommend Environmental Clearance is absolutely incorrect, wrong and therefore stoutly denied. It is submitted that Annex.A1 has been validly issued after through appraisal and legally sustainable.
46. The allegation in para 11 by referring that the respondent herein had conducted quarrying operation without obtaining prior EC are absolutely incorrect, wrong and therefore stoutly denied. It is submitted that the appellant herein had been conducting quarrying operation on the strength of valid quarry permit issued by the competent authority. Further, the quarrying operations were also covered by the orders passed by the Government which exempted taking of clearance. The excavation was under the colour of authority. In that view of the matter, the allegations raised by the appellant are absolutely incorrect, wrong and therefore stoutly denied.
47. The allegations in paragraph No.13 by referring to cluster certificate etc are absolutely incorrect, wrong and therefore stoutly denied. Going by the O.M. issued by the MoEF, pursuant to the directions passed by the Tribunal, in Satendra Pandey's case, a

cluster will form only if the lease area exceeds 5 Hectares either by individual lease or by formation of cluster of leases. In the present case there is no such situation at all. The allegation by referring to the mine leases or quarry licenses granted on and after 9-9-2013, is equally incorrect, wrong and not applicable. The allegation by referring to Appendix XI that it does not specifically exclude the cluster situation if the cluster is less than 5 Hectares is absolutely wrong and therefore stoutly denied. In the present case, as rightly stated by the appellant that no cluster situation existed. The allegations raised by referring to DSR in para 14, 15 and 16 are absolutely incorrect, wrong and therefore stoutly denied.

48. It is submitted that Annex.A12 was issued on 25-7-2018, by substituting Chapter X of the Environment Impact Assessment Notification, 2006. It is pertinent to notice that vide the substituted chapter, the District Environment Impact Assessment Authority was notified as the competent authority to prepare, finalize and notify the DSR. The notification also stipulates that the entire exercise has to be done within 6 months by the DEIAA. However, within 2 months of the passing of the Notification i.e. S.O.No.3611(E), the functioning of the DEIAA in the State of Kerala came to an abrupt stop in view of the order passed by the National Green Tribunal on 13-9-2018 and followed by 11-12-2018, wherein, the very constitution of DEIAAs were under challenge. In view of such orders, the functioning of the DEIAA

came to an abrupt stop not only in the District of Malappuram, but in the entire State. As a result of which no DSR could be prepared, finalized and notified till date. However, DSRs were prepared in terms of the predecessor of 2018 notification i.e. S.O.141(E), dated 15-1-2016 (Annexure A11). It seems that the SEIAA has been referring to the said DSR in order to avoid vacuum and also out of necessity. The said DSR is referred to in the case of this respondent as well. When the Central Environment Impact Assessment Authority had insisted for conformity with the DSR 2018, in certain cases, which were filed during the period when SEIAA Kerala was not reconstituted the Hon'ble High Court of Kerala had granted orders directing to process the application based on DSR 2016 instead of insisting for conformity with DSR 2018. It is also pertinent to notice that the SEIAA did not insist for any such compliance, as to DSR 2018.

49. It is submitted that going by Annexure A12, the entire exercise of preparation and finalization of DSR is to be done by the DEIAA exclusively. It is for the DEIAA to evaluate the opinion received during the public notice period and to incorporate which are found suitable, and to finalize the report and to notify the same.
50. It is submitted that, the entire exercise in terms of the Notification has to be completed within 6 months. At this juncture, it is pertinent to notice that following the orders passed by the National Green Tribunal in Satendra Pandey's and Vikrant

Thongada's case, dated 13-9-2018 and 11-12-2018 respectively, the functioning of DEIAAs came to an abrupt stop not only in the District of Malappuramm but throughout the State of Kerala. It is submitted that no DSRs were prepared or notified in terms of Annex.A12 notification. It is also pertinent to notice that by the passage of time, the very tenure of DEIAAs; even though the functioning of DEIAA's were came to a stop much earlier had expired upon expiry of 3 years by 2019 and no DEIAAs have been reconstituted till date.

51. At this juncture, it is pertinent to notice that, in view of the stoppage of functioning of DEIAAs no notifications were issued by the MOEF, either delegating or authorizing any other agency including SEIAA or anyone to discharge the functions and powers under chapter X or to prepare, finalize and publish DSR in terms of 2018 notification. Since the DEIAA is the notified agency to prepare and finalize DSR 2018, no other authority can assume the said power without duly notified and authorized on that behalf by the MOEF. Since no other authorities were so notified and empowered, there were no authority to prepare, finalize and notify 2018 DSR. In that view of the matter, no DSR were prepared, finalized and notified in terms of 2018 DSR in the State. Thus there exists a legal impediment and impossibility to comply the requirements of 2018 notification or to follow any DSR as mandated therein. It is trite law that the law does not compel anyone to comply the impossible. It seems that, the SEIAAs have

been, in order to avoid the vacuum and of necessity, following the DSR prepared in terms of Annexure A11.

52. It is submitted that when this respondent had submitted application for Environmental Clearance, in the year 2023, there exists no DSR prepared, finalized or notified in terms of Annex.A12 notification. However, as already submitted, the DSR prepared in terms of Annexure.A11 was referred to and considered in order to avoid the vacuum and necessity, by the SEIAA. The SEIAA had never insisted the petitioner to base its application with the DSR as contemplated by Annex.A12. The petitioner has been issued with the Environmental Clearance.
53. In the present case, the SEIAA had granted Environmental Clearance without insisting for any conformity with DSR 2018 obviously for the reason that no such DSR ever came into existence. At this juncture, it is pertinent to notice that the Hon'ble High Court of Kerala, in various cases, directed the Central Authority, which insisted that the application should be in conformity of 2018 notification, had ordered to process the application by considering 2016 DSR. True copy of the judgment passed by the Hon'ble High Court of Kerala in W.P.(c) No.2856/2022 dated 14-2-2022 is produced herewith and marked as **Annexure R5(J)**.
54. It is trite law that the **law does not demand the impossible** (*lex non cogit ad impossibilia*) and **when there is a disability that makes it impossible to obey the law, the alleged disability of**

law is excused(*impotentia excusat legem*). The above principles of law are absolutely applicable in the case of the petitioner. It is absolutely impossible for the petitioner to base its application on the DSR as mandated vide Annex.A12, since no such DSR ever prepared and came into existence. The authority competent to prepare, notify and finalize the DSR in terms of DSR 2018 is not the project proponent, but the DEIAA. The project proponent has no say in the preparation, notification and finalization of DSR. No fault can be attributed to this respondent as well. This respondent, in spite of his willingness and readiness to comply with the requirements of Annex.A12, could not comply the same because of the inherent disability.

55. At this juncture, it is pertinent to notice that there are writ petitions pending before the Hon'ble High Court of Kerala, pertaining to the issue of requirement of DSR in terms of 2018 amendment. The Hon'ble High Court of Kerala, had granted interim orders as well. True copy of the interim order issued by this Hon'ble Court in W.P.(c) No.1121/2024, dated 11-1-2024 is produced herewith and marked as **Annexure R5(K)**. The issue of compliance of DSR in terms of amendment of the year 2018 is pending consideration before the Hon'ble High Court of Kerala.
56. It is submitted that in abundant caution, this respondent had also filed Writ Petition in view of the challenge raised against the Environmental Clearance granted to this respondent on the basis of want of compliance of 2018 DSR, by way of Appeal before the

Hon'ble Tribunal, this respondent had filed W.P.(c) No.27528/2024 and the Hon'ble High Court had granted a protective interim order as well.

57. True copy of the interim order dated 6-8-2024 passed by the Hon'ble High Court of Kerala in W.P.(c) No. 27528/2024 is produced herewith and marked as **Annexure R5(L)**.
58. The issue of DSR is already pending consideration before the Hon'ble High Court of Kerala.
59. The allegations raised in paragraph No.17 that this respondent is making haste steps to obtain lining lease and the same may create irreparable damage to the environment and ecology of that area etc. are raised without any bonafides. It is submitted that the competent authorities have granted the various Licenses, Clearance and Quarry Lease after being satisfied that the area is suitable for conducting quarrying operations. The allegation in para 17 to the effect that starting of mining operations on the basis fo Annex.A1 will create irreparable damage to the environment and ecology of that area is only presumptive and nothing, but baseless. The allegation that there are residential houses within 80 meters of the proposed quarry and the quarrying operations will badly affect the environment, especially the ground water and may cause landslide, etc. are absolutely incorrect, wrong and baseless and therefore stoutly denied.
60. The allegation raised in paragraph No.18 shows the hollowness of bonafides of the appellant. It is pertinent to notice that the earlier

Appeal filed by the Appellant viz. Appeal No.75/2021 was finally disposed of only on 24-1-2024, whereas the present Appeal has been filed on 28-7-2023, and kept the same pending without being moved. After keeping the Appeal idle without being moved for almost one year that the appellant has now raised apprehension that this respondent is going to conduct quarrying operations. The appellant is alleging haste on this respondent, after waiting for his convenient time to move the Appeal. The entire conduct of the appeal is vitiated by malafides. The Appeal is filed without any bonafides and liable to be rejected.

61. The allegations raised in Ground A to II are absolutely incorrect, wrong, baseless and unsustainable and therefore stoutly denied. They are mere repetition of allegations raised in the statement of facts. The allegation that Annex.A1 is issued without jurisdiction and that Annex.A3 and A4 are applicable to the project of this respondent and that there is no power or authority for SEIAA to consider any application beyond the period specified in Annex.A3 notification, etc. are absolutely incorrect, wrong and therefore stoutly denied. The allegation that the application was filed by this respondent beyond the period and that Annex.A1 is illegal and liable to be set aside and that this respondent did not submit any relevant documents as mandated in Annex.A3 notification and therefore Annex.A1 is issued without authority, in violation of the procedure and therefore illegal are absolutely wrong and therefore stoutly denied.

62. The allegation that Annex.A5 is the final order passed by the SEIAA based on Annex.A2 order and that SEIAA has no power of review to reconsider its final decision etc. are absolutely incorrect, wrong and therefore stoutly denied. The allegation that the appellant was not provided with a chance of fair hearing of facts and that decision making was purely one decided, arbitrary and in violation of natural justice, etc. are absolutely incorrect, wrong and therefore stoutly denied. It is pertinent to notice that there is no provision for hearing of third parties or even compliance under EIA Notification, which is upheld by the Hon'ble High Court of Kerala as well. The allegation that Annex.A1 is not in tune with the provisions of EIA Notification, 2006 and the amendment notifications viz. Annex.A11 and A12 and that the provisions and procedures of both the notifications have been clearly violated while granting Annex.A1 are absolutely incorrect and wrong.
63. The allegation that no DSR is prepared or approved by the 2nd respondent as per Annex.A11 and A12 for the Malappuram District and that there is no separate DSR for granite/building stone was made or considered by the SEIAA before granting Annex.A1 etc. are absolutely wrong, misconceived and unsustainable in law. The allegation that Annex.A1 has been issued without proper application of mind and proper perusal of documents are absolutely wrong and incorrect and therefore stoutly denied. The allegation that the DSR prepared by the Department of Mining and Geology in the year 2016 for

Malappuram District is not in tune with Appendix X of the EIA Notification and has been prepared in gross procedural violation and totally incorrect and therefore stoutly denied. The allegation that the Environmental Clearance is violative of Article 21 and 48A of the Constitution of India and that the appellant is an aggrieved party as a result of the granting of the Annex.A1 Clearance to the 5th respondent for conducting unscientific mining operations, etc. are absolutely wrong and therefore stoutly denied. The allegation that the appellant has an unbridled right under Article 21 of the Constitution of India to live in a clean and unpolluted environment and that the proposed mining activities of this respondent directly infringing the fundamental right of the appellant are absolutely incorrect and therefore stoutly denied. The allegation by referring to Article 51A(g) of the Constitution of India is absolutely incorrect. The allegation to the effect that absence of a hydrogeological study and appraisal by the 3rd respondent will adversely affect the water table in the appellant's area once the mining operations are again commenced by this respondent and that the appellant faces shortage of water in the area due to the mining operations which had earlier been conducted in the adjacent quarry are absolutely incorrect and therefore stoutly denied. The quarry site situates 1100 meters away from the so called residence of the appellant. The allegations raised by referring to Deepak Kumar's case is equally misplaced. The allegation that this respondent has conducted

illegal quarrying operation in the land comprised under Sy.No.85 pt of Pulamanthole Village, Malappuram District and that the same would clearly show that the project in question is a case of violation etc. are absolutely incorrect and therefore stoutly denied. The allegation that none of the procedures mandated in the Notification dated 14-3-2017 issued by the Central Government has been followed by the respondent while granting Annex.A1 and hence Annex.A1 is liable to be set aside etc. are absolutely incorrect and wrong and therefore stoutly denied. The allegation by referring to the order passed by the Hon'ble National Green Tribunal in Sathendra Pandey's case are equally incorrect, wrong and therefore stoutly denied.

64. The allegation by referring to 8(vi) of the EIA Notification, 2006 are equally incorrect, wrong and therefore stoutly denied. The allegation that there are concealment of false or misleading information which is material to screening or scoping or appraisal or decision on the application are absolutely incorrect and therefore denied. The allegation that a perusal of SEAC minutes would reveal that there was no appraisal done, is absolutely false. The allegation by referring to M.C.Mehta's case is incorrect and misplaced. The allegation by referring to Form-1 application and Para 8(vi) of the EIA notification are equally incorrect and therefore stoutly denied. The allegation that in the absence of proper assessment on the impact of environment, EIA, EMP, Remedial plan and other documents as mentioned in notification

dated 14-3-2017, no appraisal could have been done and no clearance could have been recommended are absolutely irrelevant, baseless and therefore stoutly denied. The general conditions in the environmental clearance and the conditions in the Mining Plan are contradictory to each other etc. are equally incorrect and therefore stoutly denied. The allegation that Annex.A1 is violative of the dictum laid down by the Hon'ble Supreme Court in the matter of Karnataka Industrial Area Development Board v. Sri. C.Kenchappa & ors. Is absolutely irrelevant and therefore stoutly denied.

65. The allegation that Annex.A1 clearance is violative of the principles of sustainable development, the precautionary principle, the public trust doctrine and the principles of inter-generational equity etc. are absolutely incorrect and therefore stoutly denied. The allegation that the mitigation plan for slope stabilization prepared and submitted by this respondent is mere eye wash and no proper scientific steps have been taken to ensure that the landslide will not be caused in the plot are absolutely incorrect and wrong and therefore stoutly denied.
66. It is submitted that the area is not a landslide prone area. It is without any basis that the appellant made such allegations.
67. The allegation that the prefeasibility report prepared by the 5th respondent is not in tune with the EIA Notification or notification dated 14-3-2017 issued by the Central Government and that there are several material facts deliberately suppressed/concealed

by the 5th respondent is absolutely baseless and therefore stoudly denied.

68. The allegation that without forming cluster as there is an existing quarry within 500 meters of the proposed quarry site is in violation of the orders and EIA notification, etc are absolutely incorrect, wrong and therefore stoutly denied. It is submitted that no cluster situation are existing. The cluster situation will form only if the lease area either individual or on a cluster basis, exceeds 5 Hectares in extent. In the present case, there is absolutely no case that such situation was existing
69. The allegation raised by referring to a Judgment in Hanuman Lakshman Aroskar & anr. Vs. Union of India and ors. Reported 2009(15) SCC 401 are equally incorrect, wrong and not sustainable. The allegations raised by referring to judgments in Gram Panchayat Navlakh Umbre v. Union of India and ors, and Bangaluru Development Authority v. Sudhakar Hegde & ors are not applicable to the present case. The allegation that specific and general conditions imposed by the 2nd respondent are inadequate to provide sufficient safeguards for the protection of environment of the area as the entire process is vitiating by false and misleading data and illegal procedure etc. are absolutely incorrect and therefore stoutly denied.
70. It is submitted that the appeal is filed without any bonafides and as a bargaining in disguise. The appeal is filed without any cause of action as well and the appeal is rejected at the threshold itself.

The appeal is nothing, but an abuse of process. The appeal is yet another attempt on the part of the appellant to harass this respondent.

71. It is submitted that, this respondent has obtained the Environmental Clearance by making proper application and by undergoing due process of law. Annex.A1 is validly issued and legally sustainable. The appellant does not have any **locus standi** to challenge Annex.A1 for reasons already stated. The appellant does not have any cause of action as well. The present Appeal is a sponsored game. The appeal is nothing, but an abuse of process and needless harassment of this respondent and therefore liable to be dismissed with exemplary cost.

Under the above circumstances, it is most humbly submitted that the contentions raised above may kindly be upheld and dismiss the above Appeal with cost to this respondent.

The facts stated above are true and correct.

Dated this the 10th day of August, 2024.



Deponent

Solemnly affirmed and signed before me by the deponent on this the 10th day of August, 2024 at my office at Ernakulam.



Philip J. Vettickattu, Advocate

VERIFICATION

I, M.K.Najeeb Ali, Aged 44 years, S/o. Hassainar, residing at Mannengal Kannamthodi House, Pulamanthole P.O., Malappuram - 679 323, above named deponent, do hereby verify that the contents of the above Affidavit are true and correct to my best information, knowledge and belief and nothing material is concealed therein.

Verified at Ernakulam on this the 10th day of August, 2024.



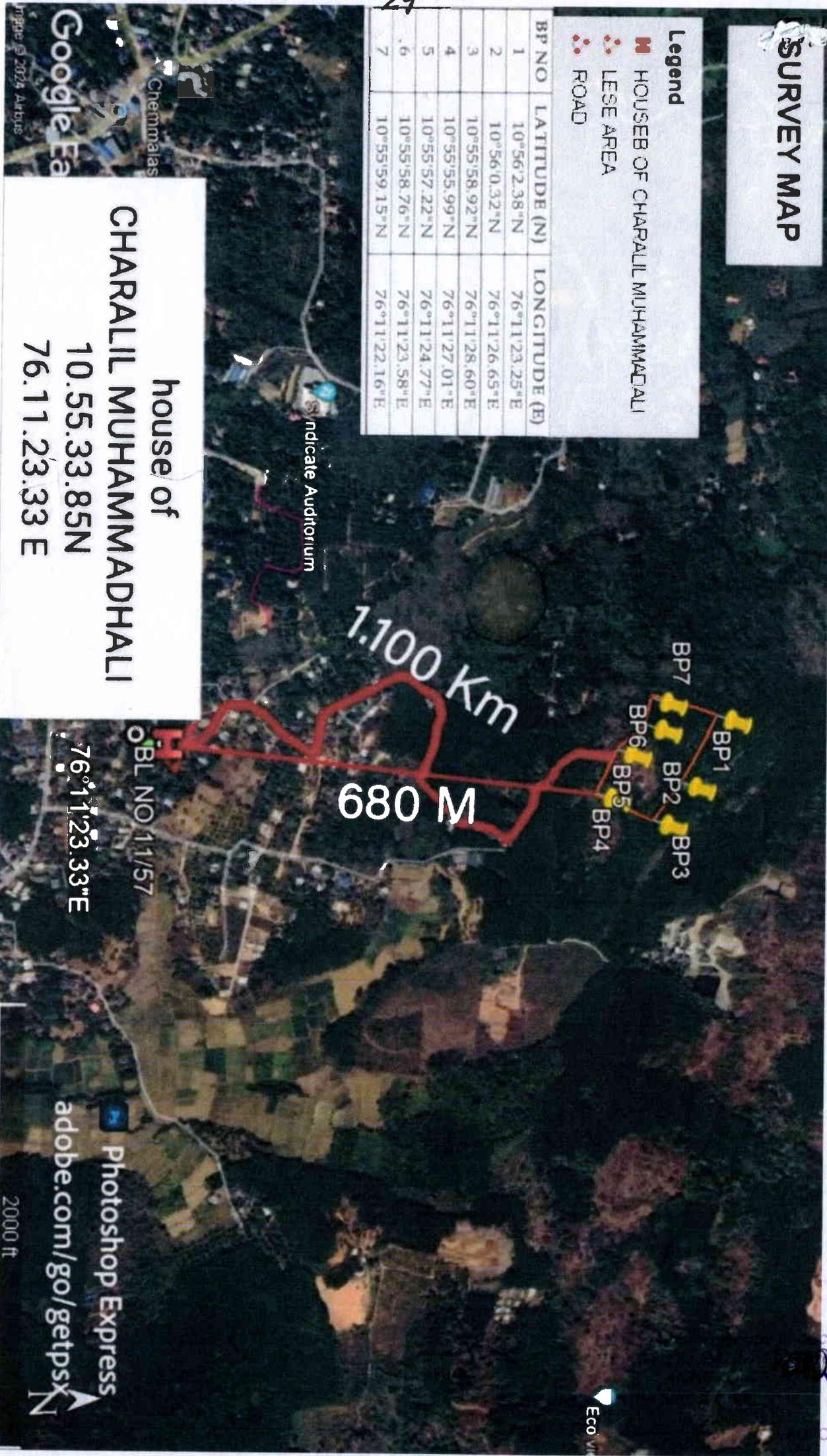
M.K.Najeeb Ali

SURVEY MAP

Legend

- HOUSEB OF CHARALLI MUHAMMADALI
- ◆ LESE AREA
- ROAD

BP NO	LATITUDE (N)	LONGITUDE (E)
1	10°56'2.38"N	76°11'23.25"E
2	10°56'0.32"N	76°11'26.65"E
3	10°55'58.92"N	76°11'28.60"E
4	10°55'55.99"N	76°11'27.01"E
5	10°55'57.22"N	76°11'24.77"E
6	10°55'58.76"N	76°11'23.58"E
7	10°55'59.15"N	76°11'22.16"E



Indicate Auditorium

house of
CHARALLI MUHAMMADHALI
 10.55.33.85N
 76.11.23.33 E

OBL NO 11/57
 76°11'23.33"E

Photoshop Express
adobe.com/go/getpsx
 2000 ft

document
 referred
 DATE

01/22

സ്റ്റേറ്റ് പബ്ലിക് ഇൻഫർമേഷൻ
ഓഫീസർ ആന്റിഡ്വെജ് ഓഫീസർ

വില്ലേജ് ഓഫീസ്
പുലാമനോൾ
തീയതി: 20/01/2022

നജീബലി എം കെ
S/O അക്കരനാർ ഹാജി
പാലൂർ
പുലാമനോൾ

വിഷയം :- 2005 ലെ വിവരാവകാശ നിയമപ്രകാരം ലഭിച്ച അപേക്ഷയിന്മേൽ ഭൂപടി
നൽകുന്നത് സംബന്ധിച്ച്.

സൂചന :- 19/1/2022 ലെ താങ്കളുടെ വിവരാവകാശ നിയമപ്രകാരമുള്ള അപേക്ഷ.

പെരിത്തൽമണ്ണ താലൂക്കിൽ പുലാമനോൾ വില്ലേജിൽ പാലൂർ ഗ്രാമത്ത് താങ്ങിക്കണ
വരലിൽ ഭൂപടമാറ്റലി കകൻ ഷാമുക്കൽ എന്നവരുടെ സ്വന്തം പേരിൽ പുലാമനോൾ വില്ലേജിൽ നികുതി
അടവാങ്ങി വരുന്നതായ ശ്രീ മനോ അണ ഇല്ലാ എസ് വില്ലേജ് രേഖകൾ പരിശോധിച്ചതിൽ
അറിയുന്നതേൽ വിവാഹ ഇതിനാൽ അറിയപ്പെടുന്നില്ലെന്നും.

വിശ്വാസപൂർവ്വം



20/01/2022

പബ്ലിക് ഇൻഫർമേഷൻ ഓഫീസർ &
വില്ലേജ് ഓഫീസർ, പുലാമനോൾ

അപ്പീൽ അധികാരി
അഹ്ലിയാർ പെരിത്തൽമണ്ണ

അപ്പീൽ കാലാവധി
30 ദിവസം

This is the true copy of document
marked as EXHIBIT referred
ANNEXURE R5 (C)
in the above case.
ADVOCATE

01/22

State Public Information
Officer and Village Officer

Village Office
Pulamanthole
Dated:20/01/2022

Najeebali M K
S/o Assainar Haji
Paloor
Pulamanthole

Subject :- Regarding reply to the application filed under Right to
Information Act,2005

Ref :- Application dated 19/1/2022 filed under Right to Information
Act.

It is informed that, on verification of village records there is no land paying
land tax in the name of Shoukath, S/o Charalil Muhammadali, residing at
Paloor Desam ,Pulamanthole Village, Perinthalmanna Taluk.

Your's Faithfully,
Signature/

20/01/2022

Appeal Authority
Tahsildar Perinthalmanna

Public Information Officer &
Village Officer, Pulamanthole

Appeal Limitation
30 days


Advocate

**MINUTES OF THE 117th MEETING OF THE STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)
KERALA, HELD ON 30th & 31st AUGUST 2022 THROUGH VIDEO
CONFERENCING.**

Present:

- 1. Dr. H. Nagesh Prabhu IFS (Retd), Chairman, SEIAA, Kerala**
- 2. Sri. K. Krishna Panicker, Member, SEIAA**
- 3. Dr. V. Venu IAS, Member Secretary, SEIAA**

The 117th meeting of the SEIAA, KERALA was held on 30th & 31st August 2022. The meeting started at 10.00 AM on 30th August 2022. Dr. H. Nagesh Prabhu, Chairman, SEIAA Kerala chaired the meeting. Dr. Venu V. IAS, Member Secretary, SEIAA and Sri. K. Krishna Panicker, Member, SEIAA attended the meeting. The Authority considered the agenda for the 117th meeting and took the following decisions:

Physical Files

Item No.117.01 **Minutes of the 116th meeting of SEIAA held on 29th & 30th July 2022**

Noted

Item No.117.02 **Action Taken Report on 115th meeting of SEIAA**

Action taken by SEIAA team is appreciated.

2. After getting the compliance report, the SEAC shall conduct a field inspection to verify the compliance status. The SEAC shall provide a fresh recommendation as per the compliance status.

Item No.117.21 **Environmental Clearance for the Building Stone Quarry Project in Re-Sy Nos. 86/2,87, 88/2, 88/3, 88/1, 89/2B, 147/2, 139/1, Kolavallur Village, Kuthuparamba Grama Panchayat, Thalassery Taluk, Kannur District - Judgment in WP (C) No.28530/2020 filed by Sri. C. G. George – Revalidation of EC.**
(File No.623/SEIAA/EC4/4806/2014)

The Authority perused the file and noted the various decisions of SEAC and the field inspection carried out on 12.05.2022. The Authority noted that the SEAC in its 130th meeting recommended EC for a project life of 13 years from the date of original EC. The Authority observed that the original EC issued on 01.06.2016 was for an area of 4 Ha comprised in Re-Sy Nos. 86/2, 87, 88/2, 88/3, 88/1, 89/2B, 147/2, 139/1. But, now the revised mining plan is for the total area of 3.4081 Ha comprised in Re-Sy Nos. 88/1, 89/2B, 147/2, 139/1. Since, there is a change in the project area and mineable reserve from the original EC; the Authority decided that the revalidation of the EC issued on 01.06.2016 cannot not be considered as directed in the Judgement dated 22.12.2020 in WP(C) No. 28530/2020 and the Proponent has to apply for a fresh / modification of EC.

Authority decided to give an opportunity of hearing in the next SEIAA meeting to clarify the position.

Item No. 117.22 **Application for Environmental Clearance for the quarry project for an area of 1.8227 Ha in Sy. No. 85pt, Pulamanthole Village, Perinthalmanna Taluk, Malappuram District - Judgment of Hon'ble High Court of Kerala in WP(C) No.41905/2017.**
(File No: 2017/A2/2018/SEIAA)

The Authority perused the representation of the Proponent dated 03.08.2022 and noted the various decisions of SEAC and SEIAA, the judgment in WP(C) No. 41905/2017(K), the

report of the District Collector, Malappuram dated 14.09.2020 and the field inspection report of the Sub-Committee held on 19.04.2019. The SEIAA in its 112th meeting decided that the project proposal for EC shall not be considered in the light of the order of the NGT dated 21.07.2020 in O.A. No. 304/2019 and the report of the District Collector that there are residential buildings including residence of petitioner and public building within 200m radius of the proposed site. The rejection order was issued on 3.11.2021. Now, the Authority considered the request of the Proponent with relation to Survey Map of the Village Officer and the legal opinion of the Standing Counsel regarding distance criteria and decided to refer the case back to SEAC for appraisal.

Item No.117.23 **Environmental Clearance for the Granite Building Stone Quarry project of Sri. A. M. Muhammed Ali, M/s. Mubaraq Granites in Sy. Nos. 93/1pt, 94pt, 95pt, 96pt of Perakamanna Village, Ernad Taluk, Malappuram – Request for Revalidation (File No.902/SEIAA/EC1/3463/2015)**

The Authority perused the representation of the Project Proponent dated 06.08.2022 requesting for extension of EC as per SO 1807 dated 12.04.2022 of MoEF&CC and the Judgement in WP(C) No. 24450/2020 dated 03.08.2022. The Authority noted that in the 115th SEIAA meeting, the Amendment No S.O. 1807 (E) dated 12.04.2022 was deliberated in detail and decided that the Standing Counsel should take immediate steps to file detailed counters in all relevant cases on priority within a week as per details discussed and agreed in the meeting and as per the note approved in the 114th SEIAA meeting. Authority decided to intimate the Standing Counsel to file an appeal against the judgment dated 03.08.2022 of the Hon'ble High Court. **Necessary urgent steps shall be taken from the SEIAA Secretariat on priority within 10days.**

Further, Authority noted that the District Collector, Chairman of District Disaster Management Authority has issued a stop memo as the quarry is functioning in the high hazard zone and unless and until the stop is revoked authority cannot proceed further with the request of the Project Proponent for extension of EC and decided to inform the same to Project proponent.

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

ADVOCATE

**MINUTES OF THE 133RD MEETING OF THE SEAC KERALA HELD FROM
11TH TO 13TH OCTOBER, 2022 IN CONFERENCE HALL, STATE
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
THIRUVANANTHAPURAM**

The 133rd meeting of the SEAC Kerala was held from 11th to 13th October 2022. The meeting started at 10.00 AM on 11th October 2022. Dr. R. Ajayakumar Varma, Chairman, SEAC Kerala chaired the meeting. The Committee discussed the agenda items in detail and took the following decisions;

133.01 Noting of minutes of the 132nd SEAC meeting held on 13th – 15th September 2022

Decision: Noted.

133.02 Environmental Clearance issued from DEIAA, Palakkad for the Granite Building Stone Quarry in Re-Sy.Nos. 118/1, 118/2, 118/3 & 119/1 (119/1-2) in Vandazhi-1 Village, Alathur Taluk, Palakkad District of Sri.Joshy.P.J., Managing Partner, M/s Peejay Granites – Judgment in WP (C) No.3908/2021- Revalidation of EC.(File No. 747/EC1/2021/SEIAA)

Decision: As invited proponent, Mr. Joshy P J Managing Partner, M/s Peejay Granites and Sri. Haneesh Panicker, K R, EIA Co-ordinator and functional expert on behalf of ABC Techno Labs India Private Limited were present. The Committee heard the presentation and decided to entrust Dr. K.N Krishnakumar and Dr. A V Raghu for field inspection and report.

133.03 Environmental Clearance for the Quarry Project in Sy. No. 611/1A-303-147 at Keerampara Village and Panchayath, Kothamangalam Taluk, Ernakulam District, Kerala by Sri. Reji Kuriakose and Smt. Jeeva Reji. (File No: 144/SEIAA/KL/2745/2013)

Decision: As invited the authorized person by the proponent Adv. Baby Kuriakose and Mr. Eldhose M Kuriakose, Manager of the Company with an authorization letter attended for hearing. The Committee observed that the Environmental Clearance application for the Quarry Project was rejected on 13-09-2017. The Hon'ble National Green Tribunal vide judgment in Appeal No. 07 of 2020 (SZ) dated 31-03-2022 set aside the rejection order and directed SEIAA to refer back the matter to SEAC again for consideration. On receipt of the

Decision: The Committee perused the decision of the 117th SEIAA meeting and noted the request of the proponent to verify the compliance status of the implementation of the Remediation Plan and Natural Augmentation Plan and release the Bank Guarantee. **The Committee decided to direct the proponent to submit item wise compliance report of the implementation of the Remediation Plan and Natural Augmentation Plan with supporting documents, Photographs and proof of expenditure prior to filed level verification.**

133.15 Application for Environmental Clearance for the quarry project in Sy. No. 85 pt in Pulamanthole Village, Perinthalmanna Taluk, Malappuram District for an area of 1.8227 Ha - Judgment of Hon'ble High Court of Kerala in WP(C) No.41905/2017 - (File No: 2017/A2/2018/SEIAA)

Decision: The Committee perused the decision of 117th meeting of SEIAA, representation of the Proponent dated 03.08.2022 and noted the various decisions of SEAC and SEIAA, the judgment in WP(C) No. 41905/2017(K), the report of the District Collector, Malappuram dated 14.09.2020 and the field inspection report of the Sub-Committee held on 19.04.2019. The SEIAA in its 112th meeting decided that the project proposal for EC shall not be considered in the light of the order of the NGT dated 21.07.2020 in O.A. No. 304/2019 and the report of the District Collector that there are residential buildings including residence of petitioner and public building within 200m radius of the proposed site. The rejection order was issued on 3.11.2021. As directed by SEIAA, the Committee decided to appraise the proposal the Committee **decided to entrust Dr. R. Ajayakumar Varma & Sri. S Sheik Hyder Hussain for field inspection and report.**

133.16 Environmental Clearance issued for the Granite Building Stone Quarry in sy No. 298 at Mupainad Village, Vythiri Taluk, Wayanad district , Kerala -Judgment in WP (C) 845/2021 filed by M.P Kuriakose - regarding the validity of EC Judgment in WP (C) 845/2021 filed by M.P Kuriakose – (File No.901/SEIAA/EC4/3462/2015)

Decision: The Committee examined the proposal and noted that the project was issued on 17.01.2018 for a period of five years. The Proponent on 02.02.2022 submitted application for revalidation of EC along with six documents including the application for Certified Compliance Report from the Regional Office, MoEF&CC, Bangalore. While perusing the application, it was observed that there was a complaint from the Secretary, Mupainad

FIELD INSPECTION REPORT

Environmental Clearance for Minor Mineral Mining Project (New & Expansion)

Building stone quarry project of Sri. Najeed Ali in Sy. No. 85 pt in Pulamanthole Village, Perinthalmanna Taluk, Malappuram District for an area of 1.8227 Ha -
Judgment of Hon'ble High Court of Kerala in WP(C) No.41905/2017-
(File No: 2017/A2/2018/SEIAA)

A. Background

Shri. Najeed Ali M.K sought environmental clearance for granite building stone quarry project from DEIAA for an area of 1.8227 Ha in Sy.No.85pt, Pulamanthole Village, Perinthalmanna Taluk, Malappuram. It was objected to vide WP(C) No.41905/2017 (K) stating that the applicant concealed several information and submitted misleading information for the appraisal. As per Judgment dated 11.04.2018, the Court directed SEIAA to consider the application and pass orders therein and to submit a copy before the Honourable Court within 3 months from the date of receipt of files receiving from DEIAA, Malappuram.

The proposal was considered in the 87th meeting of SEIAA held on 14th January, 2019 and as forwarded, it was considered in the 93rd SEAC Meeting held on 21st February, 2019 for taking further action on the basis of Notification No. SO 804 (E) Dated 14.03.2017 and Notification No.103011 dated 08.03.2018. These notifications are pertaining to violation projects which commenced work without EC. The proposal was again considered in the 94th SEAC Meeting held on 12-13 March, 2019 and entrusted a Sub Committee for site inspection, which was done on 19.1.2019. The site inspection report observed that there is an old abandoned quarry site in the proposed site and the Proponent had quarrying permit extended by the District Geologist up to 25/05/2015 for quarrying in 24 cents land under survey No. 85. The site inspection report sought 9 additional documents. The 101st meeting of the SEAC held during August 1-2, 2019 decided to send the suggestions/observations to SEIAA for further necessary action. The Proponent submitted the additional documents on 31.08.2019.

The proposal was considered by the 97th meeting of SEIAA on September 24, 2019 and referred back the proposal to SEAC seeking definite clarification on observation of Hon'ble High Court with specific reference to S.O 804 (E) dated 14.03.2017 & Notification No.1030 (E) dated 08.03.2018 specially in the light of latest OM dated 09th September 2019 of MoEF & CC (to consider the violation proceedings by SEIAA, if the applications are submitted within the window period). The proposal was considered in the 104th meeting of SEAC held on October 10-11, 2019 and the Sub Committee was entrusted for detailed study and report which was submitted by 20.12.2019. The Sub Committee stated "As observed in the earlier report of SEAC, the records produced by the proponent shows that the proponent had quarrying permit and the District Geologist has extended the existing permit for quarrying in 24 cents land under survey No. 85 up to 25.05/2015. The quarry seems to have been not

worked for quite some time as evident from the site and from the condition of the road used for transportation. Hence there was no violation as such".

The Judgement of the Hon. High Court on 14th June 2019 in the WP (C) No. 41905 of 2017 directs SEIAA to consider the matter raised in the case of WP (C) No. 41905 of 2017 and take a decision in accordance with law, taking into account the relevant Government Orders including the OM dt. 30-05-2018 issued by MoEF, which states about violations. Since the Committee has not observed violations in the case of the proposed site and hence do not consider to be dealt under above mentioned OM, it is suggested that the SEIAA may seek legal opinion. The 107th meeting of the SEAC held on December 24, 2019 approved the site inspection report.

In the meanwhile, a complaint was received from Mr Chakku and others against the quarry stating that land slide occurred within 400m of the quarry area during the year 2018 and 2019 and that many damages were caused to his house by the quarrying activity and hence requested to save their life by restricting the quarrying permission. The Proposal and the complaint were placed in the 101st meeting of SEIAA held on January 17-18, 2020. Authority decided to forward the complaint to District Collector, Malappuram, who is also the chairman of District Disaster Management Authority, for a factual report on issues raised in petition (Letter No.2017/A2/2018/SEIAA dated.16.03.2020). As there is a direction from Hon'ble Court to complete the proceedings within a specific period, the Authority directed to get the report on the petition from the District Collector, Malappuram, within 15 days with specific reply whether EC has to be issued or not in the light of observations made in the petition.

The District Collector, Malappuram, vide email dated.14.09.2020 reported that there are residential buildings including residence of the petitioner and public building within 200 m radius of the proposed site. This report was placed in the 112th meeting of SEIAA held on September 14-16, 2021 and the Authority noted the action taken by SEIAA and SEAC subsequent to order of Hon'ble High Court of Kerala in WP(C) No.41905/2017 (K). It is also decided to issue a detailed proceedings order answering the issues raised in WP(C) No.41905/2017 (K) in the light of field inspection report of SEAC and also quoting District Collector's letter along with a statement that for the time being the Project proposal for EC cannot be considered in the light of order of Hon'ble NGT dated 21.7.2020 in OA no 304/2019. It was also decided to submit a copy of the proceedings order to Hon'ble High court of Kerala as directed in WP(C) and issue a copy of the same to the Petitioner in WP(C) and Project Proponent. The Order was issued dated 03.11.2021.

The Proponent submitted a Letter dated 03.08.2022, stating that the nearest dwelling unit is at a distance of 100.8 m away from the site and hence requested to reconsider the application for EC. The Survey Map attested by the Village Officer is also enclosed. In all similar cases regarding distance criteria, the legal opinion received from the Standing Counsel, SEIAA states that applications have to be considered untrammelled by peremptory interim orders

passed by the NGT, dated.21.07.2020 and the interim order, dated.06.08.2020, in strict compliance with existing norms.

The 117th meeting of SEIAA held on August 30-31, 2022 perused the proposal and representation of the Proponent dated 03.08.2022 and noted the various decisions of SEAC and SEIAA, the judgment in WP(C) No. 41905/2017(K), the report of the District Collector, Malappuram dated 14.09.2020 and the field inspection report of the Sub-Committee held on 19.04.2019. The SEIAA in its 112th meeting decided that the project proposal for EC shall not be considered in the light of the order of the NGT dated 21.07.2020 in O.A. No. 304/2019 and the report of the District Collector that there are residential buildings including residence of petitioner and public building within 200m radius of the proposed site. The rejection order No. 2017/2018/SEIAA was issued on 3.11.2021. Now, the Authority considered the request of the Proponent with relation to Survey Map of the Village Officer and the legal opinion of the Standing Counsel regarding distance criteria and decided to refer the case back to SEAC for appraisal.

As directed by the SEIAA, the 133rd meeting of the SEAC decided to appraise the proposal and entrusted Dr. R. Ajayakumar Varma and Sri. S Sheik Hyder Hussain for field inspection and report. The field work was carried out on 3.11.2022.

B. Project Details

No	Particulars	Details
1	File No.	2017/A2/2018/SEIAA
2	Name of the proponent	M.K. Najeeb Ali
3	Name of the Project & Phone No.	Najeeb Alil- 70344 00400
4	Date of receipt of application in SEAC	Application to DEIAA on 17.11.2017 Court direction to SEIAA dt. 14.6.2019
5	Project Location - Village; Taluk; District	Pulamanthole, Perinthalmanna, Malappuram
6	Type of Mineral to be mined	Building stone quarry
7	Project area (Ha)	1.8227 Ha
8	Project cost (Rs. in Lakh)	To be revised
9	Percentage Cost for EMP (%)	To be revised
10	Cost proposed for CER (Rs. In Lakh)	To be revised
11	Extent of Private Land (Ha)	1.8227 Ha
12	Extent of Government Land (Ha)	Nil
14	Date of Validity of NOC	NA
15	Date of Non-Assignment Certificate	6.7.2017
16	Date of approval of Mining Plan	7.10.2017
17	Mineable reserve (MT)	5,51,407 MT
19	Average Annual Production (TPA)	45,000 TPA
20	Maximum Annual Production (TPA)	45,000 TPA
21	Life of Mine As per Mine Plan	12 yrs (Production plan only for 5 years)
22	Thickness & Quantity of Overburden	0.5 to 1.5m: 5058 m ³

23	Quantity of top soil to be removed	9728 m ³
24	Depth to water table (m)	87.8m above MSL
25	Total daily water requirement (KLD)	3 KLD
26	Source of water	Open well: Inadequate
27	Blast hole diameter & depth	32mm: 1.5m
28	Min & Max elevation prior to mining-amsl	165 – 130m
29	Min &Max elevation after mining- amsl	165 – 100m
30	Maximum number of benches	9
31	Depth of final mine void (m)	100 m above MSL (30m)
32	Distance to nearest house with proof	100.8m
33	Distance to other nearest built structure	100.8m
34	Distance to Moderate Hazard Zone	686m
35	Distance to High Hazard Zone	28km
36	Total area of operational quarries as per Cluster Certificate dt. --	Cluster certificate to be revised
37	Abandoned quarry within Project site	Yes
38	Abandoned quarry within 500m	0.4497 at 220m away
39	Distance to Wild Life Sanctuary	To be submitted
40	Distance to Inter-state boundaries	Beyond regulation limit
41	Distance to Eco-sensitive areas	NA
42	Distance from notified forest	Beyond regulation distance
43	Status of Certified Compliance Report	NA
44	Agency who conducted the EIA study	NA
45	Name of RQP	Sri. V.K. Roy/Sri. Haneesh Panicker
46	Date of Public Consultation	NA
47	Date of Field Inspection	3.11.2022 (Earlier FIR on 19.4.2019)

C. Observations

1. Whether the proposed project site fall in the listed ESA Villages: No
2. Boundary pillars with Lat-long details: To be fixed firmly
3. Boundary Fencing: Nil
4. General slope of the Terrain: moderate to steep
5. Soil thickness: Moderate to Deep
6. Possibility for soil erosion, subsidence, instability: Moderate to high
7. Possibility for soil piping: Low to Moderate
8. Landslide proneness: Low to Moderate
9. Possibility of breach of impounded water, if any: No
10. Flood proneness: Nil
11. Presence of loose boulders, if any: Appreciable
12. Land vulnerability- Moderate
13. Proposed garland drain, silt traps & settling pond: Adequate
14. Proposed connectivity of overland flow to natural drain: Adequate
15. Proposed location-OB dump: Middle portion

16. Proposed protection for OB dump: Retaining wall of 5-6m
17. Condition of haulage road: Undeveloped/Inadequate
18. Traffic density of the connecting main road: Low to Moderate
19. Location of the site: Side slope
20. Nature of landscape unit: Mid-land
21. Nature of the land: Abandoned mine/Cultivated/Natural Vegetation
22. Type of land use: Mixed trees/Plantations/Wild trees
23. Vegetation density: Moderate to High
24. Presence of Endemic/RET species: No
25. Whether compensatory afforestation required: Yes (Plan submitted in 0.815 Ha)
26. Rainwater harvesting provision: Adequate
27. Sanitation and waste management arrangements: Nil
28. Energy Conservation Measures: Nil
29. Environment Management Plan: Need Revision
30. Corporate Environment Responsibility: Need Revision
31. Any other observations: Nil

D. Evaluation of Environmental Impacts

1. Alteration of natural drainage systems: No
2. Fragmentation of natural habitat due to the removal of vegetation: No
3. Impact on surface water resources: Moderate
4. Impact on ground water resources: Minimal
5. Possibility of lowering of ground water table: Minimal
6. Impact on Biodiversity: Moderate
7. Impact of Air pollution: Moderate
8. Impact of Noise level Vibration: Moderate
9. Impact of vibration: Moderate
10. Impact on anthropological/archaeological sites: Minimal
11. Disturbance to sacred sites or other cultural values: Minimal
12. Whether there will be involuntary land acquisition: No
13. Impact on local communities: Minimal to Moderate
14. What are the measures proposed to minimize energy consumption? Nil
15. Any other impacts? Not noticed

E. Recommendations

1. Recommendation of EC: To be decided later
2. If recommended for EC, estimated Life of Mine: 12 years
3. If recommended for rejection, specific reasons for Rejection: NA at present
4. Additional Documents required to be submitted:
 1. Revised Project cost
 2. Revised EMP with 12 year plan
 3. Revised CER with 12 year plan
 4. Production Plan for 12 years

5. Water requirement projected is inadequate. Therefore revised estimate of water requirement, water management plan and source of water
6. Latest Cluster Certificate
7. Distance to Wildlife sanctuary
8. Plan for sanitation and waste management measures
9. Plan for energy conservation measures
10. Plan for boulder management
11. Protection plan for the channel running through the middle of the site
12. Road widening to 7m and development plan
13. Reassessment of biodiversity status of the impact zone
14. Specific conditions, if any, to be considered if and when EC is issued
 1. Temporary wall on the southern side of the proposed quarry so as to prevent any impact on the houses located on the southern side

Name & Signature of Field Investigation Team

1. Dr. R. Ajayakumar Varma
2. Mr. S. Sheik Hyder Hussain

Date: 03.11.2022

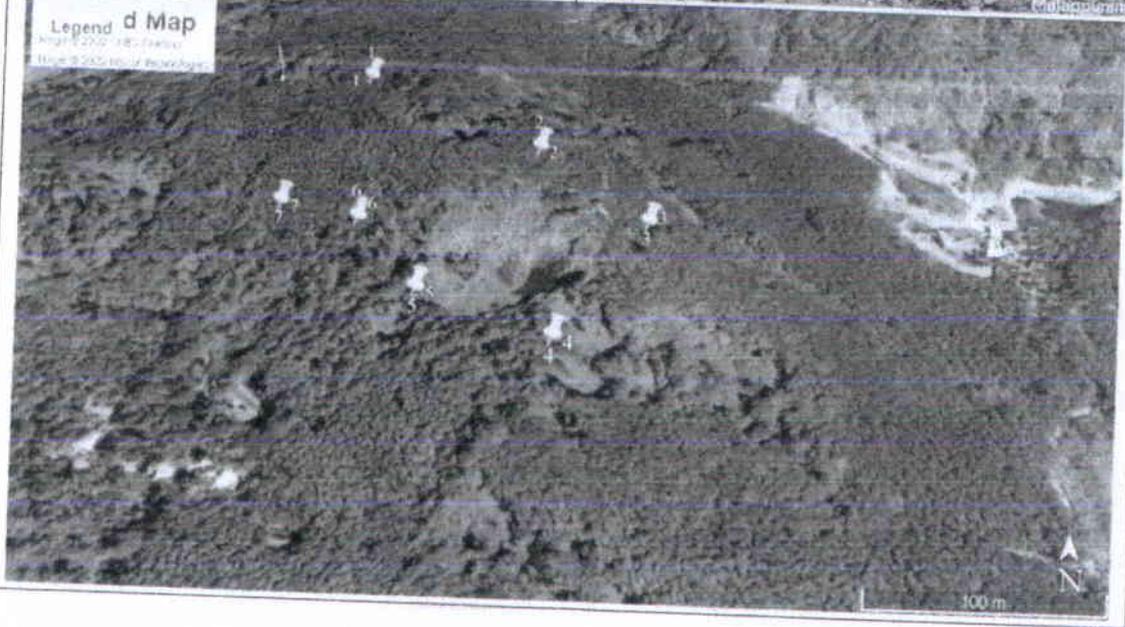


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R5(E) 7/7



Legend d Map
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ADVOCATE

FIELD INSPECTION REPORT**Environmental Clearance for Minor Mineral Mining Project (New & Expansion)**

**Building stone quarry project of Sri. Najeeb Ali in Sy.No.85 pt in Pulamanthole Village, Perinthalmanna Taluk, Malappuram District for an area of 1.8227 Ha-
Judgment of Hon'ble High Court of Kerala in WP(C) No.41905/2017 –
(File No:2017/A2/2018/SEIAA)**

A. Background

Shri.Najeeb Ali M.K sought environmental clearance for granite building stone quarry project from DEIAA for an area of 1.8227 Ha in Sy.No.85pt, Pulamanthole Village, Perinthalmanna Taluk, Malappuram. It was objected to vide WP(c) No.41905/2017 (K) stating that the applicant concealed several information and submitted misleading information for the appraisal. As per judgment dated 11.04.2018, the Court directed SEIAA to consider the application and pass orders therein and to submit a copy before the Honourable Court within 3 months from the date of receipt of files receiving from DEIAA, Malappuram.

The proposal was considered in the 87th meeting of SEIAA held on 14th January, 2019 and as forwarded, it was considered in the 93rd SEAC Meeting held on 21st February, 2019 for taking further action on the basis of Notification No. SO 804(E) Dated 14.03.2017 and Notification No.1030(E) dated 08.03.2018. These notifications are pertaining to violation projects which commenced work without EC. The proposal was again considered in the 94th SEAC Meeting held on 12-13 March, 2019 and entrusted a Sub Committee for site inspection, which was done on 19.4.2019. The site inspection report observed that there is an old abandoned quarry site in the proposed site and the Proponent had quarrying permit extended by the District Geologist up to 25/05/2015 for quarrying in 24 cents land under survey No.85. The site inspection report sought 9 additional documents. The 101st meeting of the SEAC held during August 1-2, 2019 decided to send the suggestions/observations to SEIAA for further necessary action. The Proponent submitted the additional documents on 31.08.2019.

The proposal was considered by the 97th meeting of SEIAA on September 24, 2019 and referred back the proposal to SEAC seeking definite clarification on observation of Hon'ble High Court with specific reference to S.O 804(E) dated 14.03.2017 & Notification No.1030 (E) dated 08.03.2018 specially in the light of latest OM dated 09th September 2019 of MoEF & CC (to consider the violation proceedings by SEIAA, if the applications are submitted within the window period). The proposal was considered in the 104th meeting of SEAC held on October 10-11, 2019 and the Sub Committee was entrusted for detailed study and report which was submitted by 20.12.2019. The Sub Committee stated "As observed in the earlier report of SEAC, the records produced by the proponent shows that the proponent had quarrying permit and the District Geologist has extended the existing permit for quarrying in 24 cents land under survey No. 85 up to 25/05/2015. The quarry seems to have been not

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Advocate

MINUTES OF THE 135TH MEETING OF THE SEAC KERALA HELD FROM 07TH TO 09TH DECEMBER, 2022 IN THE CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY KERALA AND FROM 14TH & 17TH DECEMBER, 2022 ONLINE PLATFORM

The 135th meeting of the SEAC Kerala was held from 07th to 09th December 2022. The meeting started at 10.00 AM on 07th December 2022. Dr. R. Ajayakumar Varma, Chairman, SEAC Kerala chaired the meeting. The Committee discussed the agenda items in detail and took the following decisions;

135.01 Noting of minutes of the 134th SEAC meeting held on 09th to 11th November 2022.

Decision: Noted.

135.02 Environmental Clearance issued from DEIAA, Thiruvananthapuram for the Granite Building Stone Quarry of Shri. Pradeep Kumar. S, Managing Partner, M/s RKP Mineral & Metals Pvt. Ltd in Re. Sy. Nos. 112/6 & 113/8 in Thekkada Village, Nedumangad Taluk, Thiruvananthapuram District — Judgment in WP (C) No. 14/2022 -Revalidation of EC (File No.81/EC1/2022/SEIAA).

Decision: The Committee perused the item and observed that the Environmental Clearance was issued from DEIAA, Thiruvananthapuram for M/s RKP Mineral & Metals Pvt. Ltd for a period of 5 years. The Project Proponent (PP) submitted the documents sought by SEIAA the on 02.11.2022 & 07.11.2022 except the Certified Compliance Report (CCR) from Integrated Regional Office (IRO), MoEFCC, Bangalore. The Committee noted that the Mining Plan submitted is dated 21.08.2017 and the PP has not submitted the revised scheme of mining In these circumstances, the Committee decided to direct the proponent to submit the following documents:

1. Recently Certified legible survey map from the village officer showing all structures within 200 m radius of the project site.
2. CCR from the Integrated Regional Office, MoEF CC, Bangalore

Decision: Environmental Clearance was issued on 16.12.2016 to Nila Metals Pvt. Ltd for an area of 2.8936Ha for a period of five years. The Integrated Regional office of MoEF & CC, Bangalore on 09-04-2022 issued a Satisfactory Certified Compliance Report on 28-04-22 vide letter No. 12.1/DEIAA/15/ KER/53. The Committee verified the compliance report along with photographs as proof of the conditions stipulated by SEAC in its 131st Meeting submitted by the proponent and found them satisfactory. The Committee decided to recommend that the project is eligible for revalidation of EC for a project period of 9 years from the date of the original EC (16.12.2016) subject to the following additional specific conditions in addition to the specific and general conditions stipulated in the original EC

1. The Proponent shall improve the drainage system especially to avoid water logging in the mine area
2. The proponent shall maintain and clean the garland canal, silt traps, siltation ponds and connected drains periodically and geo-tagged photographs of it should be submitted along with half yearly compliance reports.
3. Green belt along the southern boundary shall be strengthened and geo-tagged photographs of the same should be submitted along with half yearly compliance reports.
4. The abandoned benches shall be backfilled and suitable species including fodder grass shall be planted.
5. Appropriate silt traps shall be provided at the mouth of the natural drain on the southern side to improve the quality of outflow water.
6. Though solar street lights are installed, the compliance to the 4th general condition of the EC shall be improved by installing a solar power unit for the office building
7. The CER activities shall be implemented during the 1st year itself and the maintenance shall be carried out during subsequent years.

135.12 Application for Environmental Clearance for the quarry project in Sy.No.85 pt in Pulamanthole Village, Perinthalmanna Taluk, Malappuram District for an area of 1.8227 Ha - Judgment of Hon'ble High Court of Kerala in WP(C) No.41905/2017 - (File No: 2017/A2/2018/SEIAA)

Decision: The Committee examines the proposal and discussed the field inspection report. It is suggested that a temporary wall on the southern side of the proposed quarry is desirable to prevent any impact on the houses located on the southern side. The Committee decided to direct the proponent to submit the following additional documents

1. Revised Project cost
2. Revised EMP for the entire life of mine
3. Revised CER for the entire life of mine
4. Production Plan for the entire life of mine
5. Revised estimate of water requirement, water management plan and source of water
6. Latest Cluster Certificate
7. Plan for sanitation and waste management measures
8. Plan for energy conservation measures
9. Plan for boulder management
10. Protection plan for the channel running through the middle of the site
11. Road widening to 7m and development plan
12. Reassessment of biodiversity status of the impact zone

135.13 Environmental Clearance issued by DEIAA, Thrissur for the quarry project in Sy.No.53/2 of Venganellur Village, Thalappilly Taluk, Thrissur District- Judgment dated 24.11.2020 in WP(C) No.25848 of 2020- Revalidation of EC- (1028/EC6/2021/SEIAA).

Decision: The Committee discussed the field inspection report and observed that there is a case against the quarry filed by Sri. Joseph (OS 130/21) in the Munsiff Court, Wadakkanchery, against the illegal quarrying activities and the final order is pending. In the meanwhile Sri Joseph filed WP(C) 23471/21 in the Hon'ble High Court of Kerala on 26-10-2021 which is pending. The Proponent is yet to receive CCR from the IRO, MoEF & CC, Bangalore. Based on discussions, the Committee decided to direct the Proponent to comply with the following and submit a compliance report.

1. Submit CCR from the IRO, MoEF & CC, Bangalore
2. Certificate from the Mining & Geology department regarding the quantity of material extracted, balance quantity available for extraction and scheme of extraction

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ADVOCATE

**MINUTES OF THE 138TH MEETING OF THE SEAC KERALA HELD FROM
16TH TO 17TH FEBRUARY, 2023 IN THE CONFERENCE HALL, STATE
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY KERALA**

The 138th meeting of the SEAC Kerala was held from 16th to 17th February 2023. The meeting started at 10.00 AM on 16th February 2023. Dr. R. Ajayakumar Varma, Chairman, SEAC Kerala chaired the meeting.

The Committee, during the introductory session of the meeting, observed that there are instances when presentations are made by persons other than RQP or EIA Co-coordinator who prepared the mining plan/ EIA report. Thereby, the queries raised by the committee during the presentation are not answered promptly thereby necessitating further clarifications and consequent delay in the appraisal process. Therefore, after detailed discussion, the committee took the following decisions:

- The presentation should be done by the RQP or EIA coordinator who prepared the Mining plan.
- The presentation of those projects in which EIA reports and EMP are prepared should be done by the NABET Accredited EIA Coordinator.
- The presentation of the EIA report and EMP should be done with special emphasis to the approved ToR and additional studies recommended.

The Committee discussed the agenda items in detail and took the following decisions;

138.01 Noting of minutes of the 134th SEAC meeting held on 09th to 11th November 2022.

Decision: Noted.

138.02 Environmental Clearance for the Quarry Project of Sri. Vinu Mani, Managing Partner, M/s. Paramount Granites in Sy. Nos. 223 pt, 223/2, 223/6 pt, 118/14 pt, & 118/15 of Vandazhi - I Village, Alathur Taluk, Palakkad District, Kerala- Judgment dated 24.05.2022 in WP(C) No.13934 of 2022 regarding revalidation (File No.664/SEIAA/EC1/5179/2014)

Decision: Environmental Clearance was issued to Sri. Vinu Mani, Managing Partner, M/s. Paramount Granites, vide proceedings No. 664/SEIA/EC1/5179/2014 (EC No.61/2017) dated 18.08.2017. The validity of EC will expire on 17.08.2022 (after getting Covid relaxation).

Decision: The committee examined the following additional documents submitted by the proponent

1. A statement consisting of the deviation from the approved interventions and the justification for the same.
2. An audited statement of the expenditure incurred for the implementation of various interventions under the Remediation Plan and Natural Resource Augmentation Plan and Community Resource Augmentation Plan.

The committee found them satisfactory and decided recommend the release Bank Guarantee.

138.07 **Environmental Clearance for the quarry project in Sy. Nos. 34/2 Pt., 30/2/2 Pt., 20/7 Pt., 30/2/3 and 20/1 Pt. at Oorakam Village and Panchayath, Tirurangadi Taluk, Malappuram District, Kerala by Sri.K. Mohammed Akbar, M/s. Ooragam Metals Ltd. – Judgment dated 01.02.2021 in WP(C) No.2512 of 2021 - Revalidation of EC – (File No.120/SEIAA/KL/2186/2015)**

Decision: The committee examined the proposal & the details submitted by the PP. The expenditure towards committed CSR plan submitted by the PP is only a statement without any valid proof. Therefore, the proponent has to submit certified audited expenditure statement as valid proof. The committee examined the co-ordinates of the site superimposed on landslide hazard zone map & found that the dominant part of the area falls in the moderate hazard zone. The proponent has intimated that he has applied for CCR and it is not obtained yet. Therefore the proponent is directed to submit the following additional documents:

1. Certified Compliance Report from MoEF&CC, Regional Office Bangalore.
2. Certified Audited statement of the CSR expenditure so far.

138.08 **Application for Environmental Clearance for the quarry project in Sy.No.85 pt in Pulamanthole Village, Perinthalmanna Taluk, Malappuram District for an area of 1.8227 Ha - Judgment of Hon'ble High Court of Kerala in WP(C) No.41905/2017 - (File No: 2017/A2/2018/SEIAA)**

Decision: The committee verified the documents submitted by the proponent & found them satisfactory. The mineable reserve is 5,51,407 MT (45,000 TPA) and the mine life is 12 years. The final mine void is 100m above msl. The distance to high hazard zone is 28km.

Based on discussions, the Committee decided to recommend EC for the mine life with the following specific conditions, in addition to general conditions.

1. The implications, if any, of the order of the Hon. Court order may be examined.
2. A temporary wall on the southern side of the proposed quarry should be set up to prevent any impact on the houses located on the southern side
3. Compensatory afforestation plan should be implemented from the 1st year itself and the geo-coordinates and geo-tagged photographs of the proposed site should be submitted in HYCR.
4. Drainage system incorporating garland canal, silt traps, siltation pond and outflow channel connecting to the nearest natural drain should be provided prior to the commencement of mining.
5. 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.
6. Impact of vibration due to blasting on the nearest houses and built structures should be monitored in terms of peak particle velocity and amplitude for maximum charge per delay and included in the Half Yearly Compliance Report.
7. CER Plan should be implemented within the first 2 Years and it should be operated and maintained till the mine closure plan is implemented
8. Transportation of mined material should not be done during the peak hours in the forenoon (8.00am to 10.00am) and afternoon (3.30pm to 5 pm).
9. The haulage road should be widened and developed prior to the commencement of mining and it should be maintained well and dust-free with sprinkling arrangement.
10. Adequate sanitation, waste management and rest room facilities should be provided to the workers.
11. Adequate energy conservation measures proposed should be implemented including solar power installations for street light and office.
12. The mitigation measures recommended in the EMP should be strictly implemented.
13. The Environment Management Cell (EMC) should include an Environment expert and the proceedings of the monthly meeting of the Environment Management Cell (EMC) should be submitted along with the HYCR.

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ADVOCATE

MINUTES OF THE 141ST MEETING OF THE SEAC, KERALA HELD FROM 11TH TO 12TH APRIL IN THE CONFERENCE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, KERALA, AND 18TH TO 19TH 2023 IN VIRTUAL MODE.

The 141st meeting of the SEAC, Kerala was held from 11th to 12th and 18th to 19th April 2023. The meeting started at 10.00 AM on 11th April 2023. Dr. R. Ajayakumar Varma, Chairman, SEAC Kerala chaired the meeting. The Committee discussed the agenda items in detail and took the following decisions;

141.01 Noting of minutes of the 140th SEAC meeting held on 13th to 15th April 2023.

Decision: Noted

141.02 Judgement in WP(C) No. 12147/2020(P) dated 09.09.2020 filed by A.K.Joseph, Arackal House, Mundathadam, Parappa, Kasargod, 671533 Jimmy Alex, Manjakunnel, Parappa P.O, Kasargod, 671533, Vinayan V.K , District Environmental Samithi, Parappa, Kasargod

&

Judgement in WP(C) No. 15745/2020(P) dated 18.08.2020 filed by K.P.Balakrishnan, Kanathil Parambil, Moolakayam, Parappa, Kasargod, Pramod.K, Parappa, Kasargod, Sudhakaran.M, Edavil Veedu, Parappa, Kasargod and U.V.Mohammed Kunhi, Valappil Kammadath, Parappa, Kasargod (1992/EC2/2020/SEIAA)

Decision: As per the direction of 121st SEIAA, the Committee heard the proponent Sri. Narayanan & EIA coordinator, Jomon M C, M/s Environmental Engineers and Consultants Pvt Ltd. **The Committee decided to direct the Project Proponent to submit a hearing note within a week.** The Committee observed that many of the observations made in the 132nd meeting of SEAC have not been complied with properly. It is observed that the project proponent has not provided the acoustic enclosures to reduce the noise pollution, and corrected the height of the bench to 5m as directed earlier. The biodiversity study has to be done as envisaged in the direction of the SEAC earlier. Besides, the geological investigation regarding the soil piping possibility in the area has to be done by a specialist in the field. As requested by the project proponent the **Committee decided to give one more month to comply with all the observations of the Committee and submit compliance report.**

6. Report on the water requirement, source of water, source sustainability and source maintenance
7. Proposed sanitation and waste management measures
8. Proposed energy conservation measures.
9. Impact of vibration due to blasting as there many built structures in the vicinity of the proposed site

The Committee also observed that the depth of mining need to be limited to 90m above MSL and a buffer of 50m need to be maintained between the project boundary and crusher. The Committee also observed the desirability of providing temporary barriers at the boundary encountering the houses within a distance of 100m and usage of mats while blasting to reduce the noise level.

6. SIA/KL/MIN/422595/2023 , 2017/A2/2018/SEIAA

Application for Environmental Clearance for the quarry project of Sri.Najeeball M.K for an area of 1.8227 Ha at Sy.No.85 pt in Pulamanthole Village, Perinthalmanna Taluk, Malappuram

Decision: The Committee decided to adhere to its decision taken in the 138th SEAC meeting to recommend the item with the conditions stipulated therein.

**CONSIDERATION/RECONSIDERATION OF ENVIRONMENTAL
CLEARANCE(Extension/Amendment/Corrigendum)**

1. SIA/KL/MIN/162964/2020 , 125/SEIAA/KL/2335/2013

Renewal / Extension of Environment Clearance for the Building Stone Mine (Minor Mineral Mining) project of M/s Valluvanad Granites is situated at Survey Nos. 2/2 & 5/2 in Village - Lakkidi-Perrur 1st, Panchayat – Lakkidi-Perrur, Taluk Ottapalam, District - Palakad, Kerala in an area of 4.8120 hectares. (Field Inspection Report received)

Decision: The Committee examined the proposal and discussed the field inspection report. The Committee observed that the area proposed for mining includes old working. Benches developed are partial. When quarrying is progressing ultimate care should be taken for rectifying this mistake and maintain proper benching. Haulage road should be maintained properly. Develop channel way

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ADVOCATE

**MINUTES OF THE 127th MEETING OF THE STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(SEIAA) KERALA, HELD ON 30th and 31st May 2023**

Present:

- 1. Dr. H. Nagesh Prabhu IFS (Retd), Chairman, SEIAA, Kerala**
- 2. Sri. K. Krishna Panicker, Member, SEIAA**
- 3. Dr. V. Venu IAS, Member Secretary, SEIAA**

The 127th meeting of the SEIAA, Kerala was held on 30th and 31st May 2023 at the Conference Hall, SEIAA, Kerala, Thiruvananthapuram in hybrid mode. The meeting started at 10.30 AM on 30th May 2023. Dr. H. Nagesh Prabhu, Chairman, SEIAA Kerala chaired the meeting. Dr. Venu V. IAS, Member Secretary, SEIAA and Sri. K. Krishna Panicker, Expert Member, SEIAA attended the meeting. The Authority considered the agenda for the 127th meeting and took the following decisions:

Physical Files

Item No.127.01 **Minutes of the 126th meeting of SEIAA held on 22nd April 2023**

Noted

Item No.127.02 **Action Taken Report on 125th & 126th meeting of SEIAA held on 28th & 29th March 2023 and 126th meeting of SEIAA held on 22nd April 2023**

Noted

sanitation

11. A berm should be left from the boundary of adjoining field having a width equal to at least half the depth of proposed excavation
12. A minimum distance of 50m from any civil structure should be kept from the periphery of the project area
13. No water logging should be allowed in the mine pit. Appropriate drainage should be ensured from the project area prior to the commencement of mining.
14. The drain should be provided with silt traps and siltation pond and the overflow water should be clarified and drained to the nearest natural drain without any hindrance.
15. The drainage system should be cleaned and desilted periodically to facilitate unhindered drainage.
16. Measures incorporated in the CER should be implemented as per norms
17. Transportation of mined material should not be done during the peak hours in the forenoon (8.00am to 10.00am) and afternoon (3.30pm to 5 pm).
18. As per OM no F.No.22-65/2017-IA.III dated 30th September 2020, under Corporate Environmental Responsibility (CER) the Project Proponent should implement the Environment Management Plan (EMP)/CER as directed by SEAC during appraisal, covering the issues to address the environmental problems in the project region, from the beginning of the project, indicating both physical and financial targets year wise. The EMP/CER shall be implemented in consultation with Local Self Govt. Institutions. A copy of the approved EMP/CER shall be made available to the concerned Panchayat for information and implementation support. The indicated cost for implementation of CER activities shall be 2% of the project cost.
19. As per the directions contained in the OM F.No.22-34/2018-IA.III dated 16th January 2020 issued by MoEF&CC, in obedience to the directions of the Hon'ble Supreme Court the Project Proponent shall, undertake re-grassing the mining area and any other area which may have been disturbed due to his mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The compliance of this direction shall be included in the Half Yearly Compliance Report which will be monitored by SEAC at regular intervals.
20. The violation of EC condition may lead to cancellation of EC and action under The Environment (Protection) Act 1986.

**for an area of 1.8227 Ha at Sy. No. 85 pt in Pulamanthole Village,
Perinthalmanna Taluk, Malappuram - Judgment of Hon'ble High
Court of Kerala in WP(C) No.41905/2017
(SIA/KL/MIN/422595/2023; 2017/A2/2018/SEIAA)**

Application for Environmental Clearance was submitted to DEIAA Malappuram by Shri. Najeeb Ali M.K for the granite stone building stone quarry project for an area of 1.8227 Ha in Sy. No. 85pt, Pulamanthole Village, Perinthalmanna Taluk, Malappuram.

Shri. Shoukath Ali filed WP(C) No.41905/2017 (K) in which the Hon'ble High Court of Kerala in its Judgment dated 11.04.2018 directed SEIAA to consider the application and pass orders therein and to submit a copy before the Hon'ble Court within 3 months from the date of receipt of files receiving from DEIAA. The DEIAA, Malappuram forwarded the whole file to SEIAA. As per the direction of 112th meeting of SEIAA, Order dated.03.11.2021 was issued in compliance to the judgment dated.11.04.2018 of the Hon'ble High Court.

The Authority perused the proposal and noted the decisions of various SEAC meetings held on different dates. Authority noted that the SEAC had appraised the proposal based on Form 2, Pre-Feasibility Report, EIA Report, Mining Plan, additional details/documents obtained from the Project Proponent during appraisal, and the Field Inspection Report. As per the approved mining plan mine life is 12 years. After the due appraisal, the SEAC in its 138th meeting recommended EC for a Project Life of 12 years with certain Specific Conditions in addition to the General Conditions.

The Authority noted that for the sustainable management of quarry operations, the approved mining plan is revised every five years till the project life of mine as per KMMC Rules, incorporating scheme of activities to be carried out for the next 5 years. Authority is of the opinion that it is essential to match these procedures and time lines followed in the department of Mining and Geology with the time lines ECs issued for the sustainable management of quarry operations and protection of environment in the project region.

The Authority decided to issue Environmental Clearance initially for a period of 5 years, for the quantity mentioned in the approved mining plan, and then to extend the EC period to cover the project life of 12 years, from the date of execution of mine lease / permit, subject to the review by SEAC at the end of five years, to verify whether the Project Proponent has violated any of the EC conditions and thereby caused any damage to the Environment in the project region.

The EC is subject to General Conditions and the following Additional Specific Conditions.

1. *The Project Proponent shall carry out quarrying as per the approved Mining Plan and the Specific Conditions mentioned hereafter. The Project Proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*
2. *The EC shall be valid from the date of execution of permit/lease from the Department of Mining and Geology. The copy of the lease order should be provided to the SEIAA before commencing the mining activity.*
3. *The EC issued will be subject to a review by SEAC after 5 years through field verification to ensure that mining is carried out sustainably as per the EC conditions.*
4. *A temporary wall on the southern side of the proposed quarry should be set up to prevent any impact on the houses located on the southern side*
5. *Compensatory afforestation plan should be implemented from the 1st year itself and the geo-coordinates and geo-tagged photographs of the proposed site should be submitted in HYCR.*
6. *Drainage system incorporating garland canal, silt traps, siltation pond and outflow channel connecting to the nearest natural drain should be provided prior to the commencement of mining.*
7. *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.*
8. *Impact of vibration due to blasting on the nearest houses and built structures should be monitored in terms of peak particle velocity and amplitude for maximum charge per delay and included in the Half Yearly Compliance Report.*
9. *CER Plan should be implemented within the first 2 Years and it should be operated and maintained till the mine closure plan is implemented*
10. *Transportation of mined material should not be done during the peak hours in the forenoon (8.00am to 10.00am) and afternoon (3.30pm to 5 pm).*
11. *The haulage road should be widened and developed prior to the commencement of mining and it should be maintained well and dust-free with sprinkling arrangement.*
12. *Adequate sanitation, waste management and rest room facilities should be provided to the workers.*
13. *The mitigation measures recommended in the EMP should be strictly implemented.*

14. *The Environment Management Cell (EMC) should include an Environment expert and the proceedings of the monthly meeting of the Environment Management Cell (EMC) should be submitted along with the HYCR.*
15. *If the abandoned quarry located near to the site belong to project proponent, he/she shall carry out final closure plan within 6 months as per the approved mine closure plan and submit the progress of the closure activities along with the HYCR.*
16. *As the project site is located in an abandoned quarry the possible and relevant final mine closure activities as per the previous approved mining plan shall be carried out and the activities so carried out shall be mentioned in the half yearly completion report.*
17. *Adequate energy conservation measures proposed should be implemented including solar power installations for street lights and office. At least, 40% of the energy requirement of the project should be met from the solar power.*
18. *Adequate facilities should be adopted to harvest the rainwater as per the guidelines issued by the Central Groundwater Authority*
19. *Blasting mats should be used during rock blasting to contain the blast, prevent fly rocks and suppress dust.*
20. *As per OM no F.No.22-65/2017-IA.III dated 30th September 2020, under Corporate Environmental Responsibility (CER) the Project Proponent should implement the Environment Management Plan (EMP)/CER as directed by SEAC during appraisal, covering the issues to address the environmental problems in the project region, from the beginning of the project, indicating both physical and financial targets year wise. The EMP/CER shall be implemented in consultation with Local Self Govt. Institutions. A copy of the approved EMP/CER shall be made available to the concerned Panchayat for information and implementation support. The indicated cost for implementation of CER activities shall be 2% of the project cost.*
21. *In the wake of occurrence of large scale landslides in the state, as per the information provided by the Department of Mining & Geology, it is directed to use only NONEL (Non Electrical) technology for blasting to reduce the vibration of the ground, which is one of the causative factors that triggers landslides, formation of cracks in the surrounding buildings and disturbance to human and wildlife.*
22. *As per the directions contained in the OM F.No.22-34/2018-IA.III dated 16th January 2020 issued by MoEF&CC, in obedience to the directions of the Hon'ble Supreme Court the Project Proponent shall, undertake re-grassing the mining area and any*

other area which may have been disturbed due to his mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The compliance of this direction shall be included in the Half Yearly Compliance Report which will be monitored by SEAC at regular intervals.

23. *The violation of EC condition may lead to cancellation of EC and action under The Environment (Protection) Act 1986.*

Item No.13

**Environmental Clearance for quarry project by M/s Sree Dhanya Metals at Survey Nos. 269/1, 269/1-1, 269/3, 269/4, 269/5, 269/5-1, 269/6, 269/8, 269/8-1, 269/17-1, 269/17-2, 270/6, 270/7-1, 270/8-1, 270/8-2, 270/9, 270/10, 270/11-1, 270/11-2, 272/11, 272/12, 272/13, 272/21, 272/14-1, 273/1-2 in Pallichal Village, Neyyattinkara Taluk, Thiruvananthapuram
SIA/KL/MIN/70164/2019, 1393/EC2/2019/SEIAA**

Sri. Chandrababu G., Managing Partner, M/s Sreedhanya Metals S/o Gangadharan 570/1, Sreedhanya, Sasthamangalam, Thiruvananthapuram submitted an application for Environmental Clearance via PARIVESH for quarry project at Survey Nos. 269/1, 269/1-1, 269/3, 269/4, 269/5, 269/5-1, 269/6, 269/8, 269/8-1, 269/17-1, 269/17-2, 270/6, 270/7-1, 270/8-1, 270/8-2, 270/9, 270/10, 270/11-1, 270/11-2, 272/11, 272/12, 272/13, 272/21, 272/14-1, 273/1-2 in Pallichal Village, Neyyattinkara Taluk, Thiruvananthapuram.

The Authority perused the proposal and noted the decisions of various SEAC meetings held on different dates. Authority noted that the SEAC had appraised the proposal based on Form 2, Pre-Feasibility Report, EIA Report, Mining Plan, additional details/documents obtained from the Project Proponent during appraisal, and the Field Inspection Report. As per the approved mining plan mine life is 10 years. After the due appraisal, the SEAC in its 141st meeting recommended EC for a Project Life of 10 years with certain Specific Conditions in addition to the General Conditions.

The Authority noted that for the sustainable management of quarry operations, the approved mining plan is revised every five years till the project life of mine as per KMMC Rules, incorporating scheme of activities to be carried out for the next 5 years. Authority is of the opinion that it is essential to match these procedures and time lines followed in the department of Mining and Geology with the time lines ECs issued for the sustainable management of quarry operations and protection of environment in the project region.

This is the true copy of document
marked as EXHIBIT 1, referred
ANNEXURE R5(I)
in the above case.

56

[Signature]
ADVOCATE



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 14TH DAY OF FEBRUARY 2022 / 25TH MAGHA, 1943

WP (C) NO. 2856 OF 2022

PETITIONER:

K. SADANANDAN
AGED 64 YEARS
AMBADIYIL NEW BUNGLOW,
PANNIVIZHA, ADOOR P.O.,
PATHANAMTHITTA.
BY ADVS.
ENOCH DAVID SIMON JOEL
LEO LUKOSE
SUZANNE KURIAN
CIMIL CHERIAN KOTTALIL
S.SREEDEV
RONY JOSE

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY THE SECRETARY,
MINISTRY OF ENVIRONMENT AND FORESTS,
INDIRA PARYAVARANBHAWAN,
JORBAGH ROAD, NEW DELHI-110003
- 2 THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
K.S.R.T.C BUS TERMINAL COMPLEX,
4TH FLOOR, THAMPANOR,
THIRUVANANTHAPURAM - 695001.
REPRESENTED BY ITS MEMBER SECRETARY
- 3 THE STATE LEVEL EXPERT APPRAISAL COMMITTEE
K.S.R.T.C BUS TERMINAL COMPLEX,
4TH FLOOR, THAMPANOR,
THIRUVANANTHAPURAM - 695 001.
REPRESENTED BY ITS CHAIRMAN
- 4 THE DIRECTOR OF MINING AND GEOLOGY
DIRECTORATE OF MINING AND GEOLOGY,
KESAVADASAPURAM, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM -695004

BY SMT. VINITHA B., SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT****Dated this the 14th day of February, 2022**

This writ petition is filed seeking the following relief:

"i) Issue a writ of mandamus or other appropriate writ order or direction directing the 1st respondent to process the application for environmental clearance submitted by the petitioner, on the basis of Ext.P6 District Survey Report, without insisting for a District Survey Report in terms of Ext.P8 Notification, as expeditiously as possible, at any rate, within a period of 3 weeks."

2. Heard the learned counsel for the petitioner and the learned CGC appearing for the 1st respondent as well as learned Standing Counsel appearing for respondents 2 and 3 and the learned Government Pleader.

3. It is submitted by the learned counsel for the petitioner that the 2nd respondent authority has not been reconstituted yet and therefore the application submitted by the petitioner has to be considered by the 1st respondent. It is further submitted that the



Geologist has certified that as far as the State of Kerala is concerned, the valid DSR is the one published in the year 2016 by the Department of Mining and Geology, Government of Kerala and that no further changes have been made to the DSR 2016 by the Department thereafter. It is therefore contended that the application has to be considered on the basis of the DSR 2016 issued by the Department of Mining and Geology, Government of Kerala.

4. The learned CGC submits on instructions that in similar cases, the applications submitted by the petitioners were directed to be considered and steps were taken to comply with the judgment of this Court in W.P.(C) No.22773 of 2021.

In the above view of the matter, this writ petition is also disposed of, directing the appropriate authority under the 1st respondent to consider and pass orders on the application submitted by the petitioner for Environmental Clearance on the basis of DSR 2016 issued by the Department of Mining and Geology,

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R5(J)
4



Government of Kerala, which has been certified to confirm with Notification No.S.O.3611(E) dated 25.07.2018. Appropriate steps shall be taken within a period of one month from the date of receipt of a copy of this judgment.

This writ petition is ordered accordingly.

**Sd/-
ANU SIVARAMAN
JUDGE**

SSK/14/02

**PETITIONER'S EXHIBITS:**

- Exhibit P1 TRUE COPY OF THE ENVIRONMENTAL CLEARANCE CERTIFICATE NO. 58 DTD. 10.08.2015 WITH FILE NO. 200/SEIAA/EC4/86/2014 ISSUED BY THE 2ND RESPONDENT
- Exhibit P2 TRUE COPY OF THE LETTER DATED 05.07.2021 ISSUED BY THE GEOLOGIST, PATHANAMTHITTA ALONG WITH THE ABSTRACT OF THE APPROVED SCHEME OF MINING
- Exhibit P3 TRUE COPY OF THE LETTER DATED 14.09.2021 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
- Exhibit P4 TRUE COPY OF THE LETTER DATED 20.10.2021 ALONG WITH THE MONITORING REPORT ISSUED BY THE REGIONAL OFFICE, BANGALORE OF THE 1ST RESPONDENT
- Exhibit P5 TRUE COPY OF THE ABSTRACT OF THE MINUTES OF THE 42ND MEETING OF THE EAC (NON-COAL MINING) OF THE 1ST RESPONDENT HELD DURING 30TH OF NOVEMBER TO 3RD DECEMBER, 2021
- Exhibit P6 TRUE COPY OF THE ABSTRACT OF THE DISTRICT SURVEY REPORT FOR PATHANAMTHITTA DISTRICT PREPARED BY THE DEPARTMENT OF MINING AND GEOLOGY OF THE STATE OF KERALA
- Exhibit P7 TRUE COPY OF THE NOTIFICATION DATED 15.01.2016 BEARING NO. S.O. 141(E) ISSUED BY THE 1ST RESPONDENT
- Exhibit P8 TRUE COPY OF THE NOTIFICATION DATED 25.07.2018 BEARING NO. S.O. 3611(E) ISSUED BY THE 1ST RESPONDENT
- Exhibit P9 TRUE COPY OF THE CERTIFICATE DTD. 09.12.2021 ISSUED BY THE GEOLOGIST, PATHANAMTHITTA

RESPONDENTS' EXHIBITS: NIL

SSK

//TRUE COPY//

PA TO JUDGE

This is the true copy of document
marked as EXHIBIT referred
in the above case.

ADVOCATE

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

Thursday, the 11th day of January 2024 / 21st Pousha, 1945

WP(C) NO. 1121 OF 2024

PETITIONER:

M/S B&B GRANITES, HOUSE NO.11/384, VATTAI, KUNDUKAD P O,
THEKKUMKARA, THRISSUR-KERALA REPRESENTED BY ITS MANAGING PARTNER,
PIN-680028

RESPONDENTS:

1. STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY-SEIAA KERALA, 4 TH FLOOR, KSRTC BUS TERMINAL BUILDING, THAMPANNOOR, TRIVANDRUM, REPRESENTED BY ITS MEMBER SECRETARY, PIN - 695001
2. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF INDUSTRIES, SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
3. THE DISTRICT GEOLOGIST, MINING & GEOLOGY DEPARTMENT, CHEMBUKKAV, THRISSUR, PIN - 680020
4. UNION OF INDIA, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAVAN, JORBAGH ROAD, NEW DELHI, REPRESENTED BY ITS DIRECTOR, PIN-110993
5. T A SHANMUGHADAS, S/O ANDIKUTTY, THANDASSERY (H), POST POOMALA, THEKKUMKARA VILLAGE, THRISSUR, PIN-680581

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue a direction restraining the respondents from taking any coercive steps against the Environmental Clearance of the petitioner, for want of compliance of DSR 2018 in terms of S.O.No.3611(E) and for reliance on the DSR prepared in terms of S.O.141(E), till the disposal of the above Writ Petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. PHILIP J.VETTICKATTU, NEENU BERNATH & SAJU S. DOMINIC, Advocates for the petitioner, the court passed the following:

VIJU ABRAHAM, J.

.....
W.P (C) No.1121 of 2024
.....

Dated this the 11th day of January, 2024

ORDER

Admit.

2. Learned standing counsel takes notice for 1st respondent. Learned Govt. Pleader takes notice for respondents 2 and 3. Learned Deputy Solicitor General takes notice for 4th respondent. Issue notice to 5th respondent by speed post.

3. Petitioner submits that in similar matters this Court has interfered and has granted interim order as is evident from Ext.P9.

There will be an interim direction restraining the respondents from taking any coercive steps against the environmental clearance of the petitioner, for want of compliance of DSR 2018 and for reliance on DSR 2016 pending further orders in this writ petition.

Post along with connected case.

Sd/-
VIJU ABRAHAM
JUDGE

This is the true copy of the Document
marked as EXHIBIT referred
ANNEXURE R5 (K)
in the above case.

ADVOCATE

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

Tuesday, the 6th day of August 2024 / 15th Sravana, 1946

WP(C) NO. 27528 OF 2024

PETITIONER:

NAJEEB ALI, AGED 41 YEARS, S/O. HASSAINAR, MANNENGAL KANNAMTHODI,
PULAMANTHOLE, MALAPPURAM, PIN - 679323

RESPONDENTS:

1. STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY – SEIAA KERALA 4 TH FLOOR, KSRTC BUS TERMINAL BUILDING, THAMPANOR, TRIVANDRUM –REPRESENTED BY ITS MEMBER SECRETARY, PIN - 695001
2. STATE OF KERALA REPRESENTED BY THE SECRETARY, DEPARTMENT OF INDUSTRIES, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
3. THE DISTRICT GEOLOGIST MINING & GEOLOGY DEPARTMENT, DISTRICT OFFICE, MALAPPURAM, MINI CIVIL STATION, MANJERI, PIN - 676517
4. SHOUKATHALI S/O.MUHAMMED ALI C., CHARALIL HOUSE, NORTH PALOOR, PULAMANTHOLE P.O., MALAPPURAM DISTRICT, KERALA, PIN - 679323
5. UNION OF INDIA MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAVAN, JORBAGH ROAD, NEW DELHI – REPRESENTED BY ITS DIRECTOR, PIN - 110993

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue a direction restraining the respondents from taking any coercive steps against the environmental clearance of the petitioner, for want of compliance of dsr 2018 in terms of s.o.no.3611(e) or for reliance on the dsr prepared in terms of s.o.141(e), till the disposal of the above writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. PHILIP J.VETTICKATTU, NEENU BERNATH & SAJU S. DOMINIC, Advocates for the petitioner, the court passed the following:

DR. KAUSER EDAPPAGATH, J.

W.P.(C) No.27528 of 2024

Dated this the 6th day of August, 2024

ORDER

Admit. Sri.M.P.Sreekrishnan, the learned Standing Counsel takes notice for the respondent No.1. The learned Government Pleader takes notice for respondent Nos. 2 and 3. Issue notice to the respondent No.4. The learned DSGI takes notice for the respondent No.5.

2. Post on 09/09/2024 along with W.P.(C) No.5902/2023 and connected cases.

In the meanwhile, there will be an interim direction restraining the respondents from taking any coercive steps against the Environmental Clearance of the petitioner, for want of compliance of DSR 2018 and for reliance on DSR 2016, pending further orders in this writ petition.

Sd/-

**DR. KAUSER EDAPPAGATH
JUDGE**

APA

APPENDIX OF WP(C) 27528/2024

- Exhibit P1 TRUE COPY OF THE RELEVANT PAGES OF ENVIRONMENTAL CLEARANCE DATED 01/07/2023 ISSUED TO THE PETITIONER
- Exhibit P2 TRUE COPY OF THE RELEVANT PAGES OF THE QUARRYING LEASE DATED 05/06/2024 EXECUTED BY THE GEOLOGIST, MALAPPURAM
- Exhibit P3 TRUE COPY OF THE MOVEMENT PERMIT ISSUED BY THE GEOLOGIST, MALAPPURAM DATED 09/07/2024
- Exhibit P4 TRUE COPY OF THE APPEAL NO.43/2024 FILED BY THE PARTY RESPONDENT HEREIN BEFORE NGT (SZ) SANS ITS EXHIBITS,
- Exhibit P5 TRUE COPY OF THE NOTIFICATION BEARING S.O.NO.141(E), DATED 15-1- 2016,
- Exhibit P6 TRUE COPY OF THE RELEVANT PAGES OF THE DISTRICT SURVEY REPORT OF MINOR MINERALS, MALAPPURAM DISTRICT PREPARED BY DEPARTMENT OF MINING AND GEOLOGY ON NOVEMBER 2016
- Exhibit P7 TRUE COPY OF S.O.3611(E), DATED 25-7-2018
- Exhibit P8 TRUE COPY OF THE CERTIFICATE DATED 14/02/2022 ISSUED BY THE DISTRICT GEOLOGIST MALAPPURAM TO THE EFFECT THAT NO DSR WAS PREPARED AFTER 2016 DSR
- Exhibit P9 TRUE COPY OF THE JUDGMENT DATED 14-2-2022 IN W.P.(C)NO.2856/2022 PASSED BY THIS HON'BLE COURT
- Exhibit P10 TRUE COPY OF THE JUDGMENT DATED 14-2-2022 IN W.P.(C) NO.4866/2022
- Exhibit P11 TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT IN W.P.C NO.5902/2023 DATED 21/02/2023
- Exhibit P12 TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT IN W.P.C NO.1121/2024 DATED 11/01/2024

This is the true copy of document
marked as EXHIBIT referred
ANNEXURE R5
in the above case.

ADVOCATE

8/13/24, 10:44 AM

Gmail - Copy of the Reply Affidavit



Philip J Vettickattu <philipjvettickattu@gmail.com>

Copy of the Reply Affidavit

3 messages

Philip J Vettickattu <philipjvettickattu@gmail.com>

Tue, Aug 13, 2024 at 10:39 AM

To: amicusadvocates@gmail.com, secy@moefcc.gov.in, seacseiakerala@mail.com, seacseiaakerala@gmail.com, industriesdirectorate@gmail.com

Sir, Please find the attached copy of the Reply Affidavit in Appeal 43/2024

 **REPLY-NGT.pdf**
5983K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: philipjvettickattu@gmail.com

Tue, Aug 13, 2024 at 10:39 AM



Philip J Vettickattu <philipjvettickattu@gmail.com>

Copy of the Reply Affidavit

1 message

Philip J Vettickattu <philipjvettickattu@gmail.com>
To: secy-moef@nic.in

Tue, Aug 13, 2024 at 11:24 AM

Sir, Please find the attached copy of the Reply Affidavit in Appeal 43/2024

 **REPLY-NGT.pdf**
5983K