

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE BENCH AT CHENNAI**

**(Appeal under Section 16 (h) of the National Green Tribunal Act, 2010)**

**APPEAL NO 54 OF 2021 (SZ)**

**IN THE MATTER OF:**

**THOMAS LAWRENCE**

**...APPELLANT**

**VERSUS**

**STATE ENVIRONMENT IMPACT**

**ASSESSMENT AUTHORITY,**

**KERALA AND ORS**

**...RESPONDENTS**

**REJOINDER BY THE APPELLANT IN RESPONSE TO THE COUNTER ON BEHALF  
OF RESPONDENT NO.1**

**PAPER BOOK**

**(FOR INDEX: PLEASE SEE INSIDE)**

**ADVOCATE FOR THE APPELLANT: SRISHTI AGNIHOTRI**

**INDEX**

<b><u>S.NO.</u></b>	<b><u>PARTICULARS</u></b>	<b><u>PG NO.</u></b>
1.	Rejoinder by the Appellant in response to the Counter filed by Respondent No. 1, along with Affidavit	

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**MOST RESPECTFULLY SHOWETH:**

1. That this rejoinder is being filed to the Counter Affidavit dated 27.10.2021 filed by Respondent No. 1, the State Environment Impact Assessment Authority, Kerala ('SEIAA'). At the outset, the Appellant denies various statements which have been made in the Counter which are not only contrary to the record but are patently false. Nothing should be assumed to be admitted for want of specific traverse and all averments in the Counter should be assumed to be denied unless specifically admitted.
2. That the Appellant has filed the present appeal under Section 16(h) of the National Green Tribunal Act, 2010 before this Ld. Tribunal challenging the Environmental Clearance dated 06.03.2021 (hereinafter referred to as the 'impugned EC') granted by the State Environmental Impact Assessment Authority, Kerala ('SEIAA') to Dragonstone Realty Pvt. Ltd, ('Dragonstone' or 'Project Proponent') in connection with the Phase-III expansion of Technopark in Thiruvananthapuram District, at Technopark Phase-3 Campus, Attipra Village, Thiruvananthapuram Corporation, Taluk & District Thiruvananthapuram, Kerala. Details of the proposed expansion are as follows: (i) - Mixed land use building construction project of 3.937 hectares of plot area with 2,71,164.4 sq. m. of built-up area (Approved built -up area 1,33,491 sq. m. with additional proposed built -up area of

1,37,673.4 sq.m.). - (ii) Consists of Commercial retail area, Multiplex, Hotel, Restaurant, Banquet hall, Office area & Residential area, and other facilities.

3. That the impugned EC has been granted by the SEIAA to Dragonstone, in violation of the EIA Notification, 2006, which EC has been obtained by Dragonstone by concealment of material facts in Form 1 and Form-1A regarding the presence of wetlands, *inter alia*, and a faulty EIA report with various deficiencies such as no cumulative impact assessment, despite an undertaking given by the SEIAA before this Ld. Tribunal in the Original Application titled 71/2019 (Sanjeev SJ v. State of Kerala and Ors.) vide its order dated 26.2.2019, that cumulative impacts will be considered by the EIA report in the expansion of the project sought by the Project Proponent.
4. That the appraisal carried out by the Kerala State Expert Appraisal Committee ('SEAC') and SEIAA is wholly inadequate and has failed to carry out even a basic discussion on several crucial environmental issues that arise from the project. Several crucial conditions and observations in its own meetings were missed by the SEAC, including the preparation of a compliance report on the fact that the site is located on a wetland. Further, the SEAC has also completely missed the lacunae in the EIA Report in that it fails to mention the wetlands completely, *inter alia*. That the SEAC and SEIAA have gravely erred in granting the impugned EC, and in doing so have failed to exercise their administrative discretion conferred under the EIA Notification, 2006 and have considered the proposal most superficially without any application of mind.
5. That the proposed expansion is near the Veli-Akkulam wetlands system. The proposed expansion has had the result of illegal reclamation and large scale destruction of a 10 acre pond and a wetland system associated with it. Not only is the land in question a wetland, it also could not have been built under the provisions of the Kerala Conservation of Paddy Land and Wetland Act, 2008 and the Wetlands (Conservation and Management) Rules, 2017, which absolutely prohibits any conversion of wetlands.
6. **PRELIMINARY SUBMISSIONS:**
  - a) That wetlands are of great ecological and economic significance. They are critical for conserving biological diversity, human development and wellbeing, especially in India, where a large number of people are dependent on them for clean water,

food, raw materials and livelihood. They are highly productive ecosystems that provide a wide range of ecosystems services, storm and flood control measures by acting as natural sponges and absorbing rainfall, in addition to supporting significant recreational, social and cultural activities. The Millennium Ecosystem Assessment estimates conservatively that wetlands cover seven percent of the earth's surface and deliver 45% of the world's natural productivity and ecosystem services. Despite their immense importance, wetlands today are under severe threat. Around 50% of the earth's wetlands are estimated to already have disappeared worldwide over the last hundred years through conversion to industrial, agricultural and residential purposes. That wetland conservation has been accorded a high priority in India by the Government, which has formulated several plans and policies for their conservation and preservation. Since 1987, under the National Wetlands Conservation Programme of India, wetland conservation activities for various wetlands are being supported. As per the National Wetland Atlas for the State of Kerala (pg. 76, pt. 6.1.14), 1762 wetlands have been delineated in the state of Kerala. In Thiruvananthapuram alone, 5942 ha of wetlands have been identified, which includes 385 small wetlands. There are 10 major back waters in the district. Some of the major ones are **Veli**, Kadinamkulam, Anchuthengu(Anjengo), Kaappil, Akathumuri and the Edava-Nadayara. That the backwater of Veli-Akkulam, adjoining the Arabian Sea in the south-west part of Indian Peninsula, is a coastal wetland system and forms an integral part of the local ecosystem.

- b) That the State of Kerala receives an estimated average annual rainfall of 3107 mm in comparison to the all-India average of 1,197 mm. That the 2018 floods were the worst in Kerala in a century, and displaced more than one million people, and more than 400 people died when heavy rains flooded the state. The 2020 flood in Kerala marked the third year in a row of severe monsoon flooding. That rampant encroachment of water bodies and aggressive construction activities, destruction of wetlands and lakes have turned the residential areas near Technopark Phase III, flood prone, as waterlogging and flash flood becomes a daily affair in these areas, prompting families to move out or abandon their property, and that in many areas, floodwater is not receding owing to a lack of proper stormwater drainage.

c) The Appellant has placed all the material documents before this Hon'ble Tribunal, which confirm the status of the lands in question as wetlands, including:

- relevant extracts of the National Wetland Atlas for the State of Kerala, as published by the Ministry of Environment, Forest and Climate Change in August 2010, wherein the Veli-Akkulam Wetland system, on which the Technopark Phase III expansion is occurring, has been identified and categorized as a “wetland”.
- the quarterly newsletter of ENVIS, published in 2011, sponsored by the Ministry of Environment, Forest and Climate Change, which confirms the presence of wetlands on the Technopark Phase III expansion site/lands in question.
- the letter from the CEO of Technopark to the Local Level Monitoring Committee of Trivandrum Corporation, dated 26.12.2017, categorically referring to the lands in question as wetlands.
- the Site Inspection Report issued by the Agricultural Officer to the Revenue Divisional Officer, dated 3.01.2018, requesting them to take immediate action and issue a ‘stop work’ memo to the Respondents, to stop the illegal reclamation of the wetlands in question.
- the Local Level Monitoring Committee (‘LLMC’) in its meeting dated 03.01.2018 confirmed that the lands in question are wetlands. The Appellant has also placed the report of the State Level Monitoring Committee (‘SLMC’), dated 05.01.2018, confirming the LLMC meeting report and upholding that the lands in question are wetlands. The Committee recommended that as per Section 11 of the Kerala Paddy and Wetlands Act, 2008, there is a complete embargo on any construction work on the lands in question.
- the Land Revenue Commissioner, vide letter dated 10.04.2018, directed the District Collector to urgently take action regarding the construction set to take place on the wetlands in question.
- the Sub-collector, vide letter dated 10.05.2018, apprised the District Collector of the fact that the construction on the lands in question would

destroy the sensitive ecological surroundings and immediate steps were required to be taken under Section 8 of the Kerala Paddy and Wetlands Act, 2008.

- the follow up Site Inspection Report undertaken by the Agricultural Officer and Village Officials on 25.09.2018, which reiterated that the lands in question are wetlands, and reclamation of the said lands in question was detrimental to the environment and could result in flooding of the area.
- report by the LLMC dated 13.03.2019, further confirming the findings of the Kerala State Remote Sense Engineering Centre, that the lands in question are wetlands and should not be reclaimed.
- On 29.11.2019, the Revenue Department also confirmed the status of lands in question as wetlands, as per the response to an RTI request, already placed on record by the Appellant.
- the resolution of the Attipra Ward Council, dated 05.02.2019, stating that action is to be taken for revival and restoration of the wetlands in question, to its original condition.
- the draft report of the State Wetland Authority (Kerala) dated 18.06.2020, wherein a draft list of wetlands in Kerala as per the Wetlands (Conservation and Management) Rules, 2017 prepared by the Kerala Remote Sensing & Environment Centre ('KSREC'), which is the nodal agency under the Wetlands (Conservation and Management) Rules, 2017, clearly indicates the presence of wetlands in the concerned areas.
- further, the Kerala State Remote Sensing and Engineering Centre, has validated the status of the lands in questions (more specifically, survey nos. 279, 280, 281, 282, 290, 291, 292, 295, 296, 297, 353, 355, 358, 359) as wetlands, as per its response to RTI request, dated 11.11.2021.
- the state government authorities, vide Notification No. E16/51965/17 dated 22.01.2021 vide EO Gazette No. 342 dated 28.01.2021, notified the final databank of Paddyland and wetlands, which has a significant overlap with the lands in question owned by Technopark (Sy. nos. 279, 280, 281, 282, 290, 291, 292, 295, 296, 297, 353, 355, 358, 359). The overlapping lands in

question have been identified as wetlands, in the final databank as per Notification No. E16/51965/17 dated 22.01.2021 vide EO Gazette No. 342 dated 28.01.2021.

- d) The local authorities, government officials and committees authorized under the Kerala Conservation of Paddy Land and Wetland Act, 2008 to identify and protect paddy lands and wetlands in Kerala, including the agricultural production commissioner, agricultural officer, village officials, the Attipra Ward Council, the Local Level Monitoring Committee, the State Level Monitoring Committee, mayor of municipality, the Land Revenue Commissioner, environmental experts and scientists, the sub-collector, unanimously support the Appellant's stand that the lands in question are wetlands. The draft report of the State Wetland Authority (Kerala) dated 18.06.2020, wherein a draft list of wetlands in Kerala as per the Wetlands (Conservation and Management) Rules, 2017 prepared by the Kerala Remote Sensing & Environment Centre ('KSREC'), which is the nodal agency under the Wetlands (Conservation and Management) Rules, 2017, also confirms the presence of wetlands on the lands in question. That more than 16 government agencies have confirmed the presence of wetlands on the lands in question. That the Hon'ble Supreme Court in the matter of Divisional Revenue Officer, Fort Kochi v. Jalaja Dileep and Ors., reported in (2015) 11 SCC 597, has confirmed the importance of the committees and observed that:

*"To ensure the proper implementation of objectives, the Act envisages the Constitution of Committees at three different levels ie. Local Level Monitoring Committee (LLMC) , State Level Committee (SLMC), and District Level Authorised Committee . Besides it, Wetland Act also provides for the reporting officers under Section 7, who are Agricultural Officers vested with Responsibility to report to the Revenue Divisional Officer as well as to Committees ,regarding any act in violation of provisions of the Act."*

That such conversion of wetlands cannot be permitted by bypassing the competent authorities envisaged under the Act of 2008.

- e) That it is well settled that the wetlands cannot be reclaimed for the following reasons:- (i) There is an absolute prohibition on reclamation of wetlands as per Section 11 of the Kerala Conservation of Paddy Land and Wetland Act, 2008; (ii) Rule 4(2) of The Wetlands (Conservation and Management) Rules, 2017 prohibit the reclamation of wetlands for conversion for non wetland uses, including

encroachment of any kind.; (iii) The Hon'ble Supreme Court, in its order in M.K. Balakrishnan v. Union of India, reported in, (2017) 7 SCC 810(2), upheld that identified wetlands are subject to the principles of Rule 4(2) of The Wetlands (Conservation and Management) Rules, 2017, meaning thereby that there is an embargo on conversion of the wetlands.

- f) That, despite this, the Revenue Department, vide GO 40 of 2018 dated 03.02.2018, has gravely erred in permitting the conversion of the lands in question by Technopark for a "public purpose" under Section 10 of the Kerala Conservation of Paddy Land and Wetland Act, 2008, relying solely on the letter of the District Collector dated 19.01.2018, recommending such conversion. It is submitted that the District Collector, for reasons unknown, concealed the reports of the competent and reporting authorities under the Act of 2008, i.e. Attipra Agricultural Officer, LLMC, SLMC, Land Revenue Commissioner, - who all unanimously confirmed that the lands in question are wetlands and natural water bodies. Significantly, given that the lands in question are wetlands and not paddy land, it could not have been so converted/reclaimed, by virtue of the total prohibition on reclamation of wetlands envisaged under Section 11 of the Kerala Conservation of Paddy Land and Wetland Act, 2008.
- g) Accordingly, the Appellant moved this Ld. Tribunal via O.A. No. 875 of 2018, which on 19.12.2018 directed the Ld. District Collector to look into the matter of mass destruction of 10 Acre pond and wetlands. The order of the District Collector No. B7/1659/2018 dated 30.04.2019 however held that the said land was reclaimed and no action could be taken at the level of District Collector under Sections 11 and 13 of the Act of 2008. It is submitted that the District Collector, for reasons unknown, concealed the reports of the competent and reporting authorities under the Act of 2008, i.e. Attipra Agricultural Officer, Local Level Monitoring Committee, State Level Monitoring Committee (consisting of the Agricultural Production Commissioner, the Land Revenue Commissioner, and 2 professors and heads of departments holding PhD's, and experts in agriculture and social forestry and) - who all unanimously confirmed that the lands in question are wetlands and natural water bodies. Instead of placing reliance on these reports issued by the

competent, reporting authorities under the Act of 2008, the District Collector depended upon the manipulated and fabricated report of one 'Tehsildar', who was not a competent reporting authority under the Act of 2008, certifying that the lands in question are abandoned paddy lands based on his site inspection dated 19.01.2018. Significantly, given that the land in question is wetland and not paddy land, it could not have been so converted/reclaimed, by virtue of the total prohibition on reclamation of wetlands envisaged under Section 11 of the Kerala Conservation of Paddy Land and Wetland Act, 2008. Thus, it is submitted that the order of GO 40 of 2018 as well as the order of the District Collector No. B-7/1659/2018 are in violation of the law and facts on the record.

- h) Thereafter, one Sanjeev SJ approached the Principal Bench of this Ld. Tribunal vide O.A. No. 71 of 2019 (Sanjeev SJ v. State of Kerala), alleging that the facts about built up area were concealed. This Ld. Tribunal directed and received a joint status report from the Central Pollution Control Board and the State Pollution Control Board dated 24.08.2019, which said that the expansion of built up area was sought by Dragonstone and it is yet to be considered. The SEIAA also submitted a report to the effect that the EIA study will consider the cumulative impact of the proposed project on the structures in the meeting to be held on 18.10.2019. Accordingly, this Ld. Tribunal disposed of the application O.A. No. 71 of 2019. Meanwhile, the Appellant then moved the Principal Bench of this Ld. Tribunal through Execution Application No. 39 of 2019 in O.A. No. 875 of 2018 against the order of the Collector dated 30.04.2019. However, this Ld. Tribunal disposed of the Appellant's application on 06.11.2019 stating that in view of the order in O.A. 71 of 2019 (Sanjeev SJ), the issues raised can be gone into in the course of EIA study in the said matter.
- i) The Appellant then approached the Hon'ble Supreme Court through Civil Appeal No. 2535 of 2020 against the order dated 06.11.2019 of the Ld. Tribunal in Execution Application No. 39 of 2019 arising out of Original Application No. 875 of 2018. The Civil Appeal was filed on the ground that the disposal of the Execution Application by the Ld. Tribunal by placing reliance on the case of Sanjeev SJ (O.A. 71/2019) which was an entirely distinct proceeding (as it had challenged the grant

of Environmental Clearance to M/s Dragonstone Realty Pvt. Ltd.), while the OA No. 875/2018 and the Execution Application pertained to the destruction of wetlands. That the Hon'ble Supreme Court vide order dated 29 October 2020 gave the Appellant an opportunity to challenge the order of the Collector dated 30 April 2019 in accordance with law. Accordingly, the Appellant preferred a revision petition dated 8 December 2020 before the Government, in accordance with Section 28 of the Kerala Conservation of Paddy Land and Wetland Act, 2008. The Electronics and Information Technology Department of the Government of Kerala, passed an order dated 19/11/2021, which has erroneously upheld order of the Revenue Department, vide GO 40 of 2018 dated 03.02.2018, permitting the conversion of the lands in question by Technopark for a "public purpose" under the Kerala Conservation of Paddy Land and Wetland Act, 2008. Significantly, given that the lands in question are wetlands and not paddy land, it could not have been so converted/reclaimed, by virtue of the total prohibition on reclamation of wetlands envisaged under Section 11 of the Kerala Conservation of Paddy Land and Wetland Act, 2008.

- j) That, such a project ought to have been appraised for grant of EC with utmost due diligence by strictly following the provisions of the EIA Notification, 2006. However, the manner in which the approval was granted reflects a highly casual approach in which the SEIAA as well as the SEAC was guided by the sole motive to grant EC to the project, with a complete disregard for the scoping and appraisal processed as envisaged under the EIA Notification, 2006, while considering and appraising the Terms of References, EIA Study and cumulative impact assessment of the project.
- k) The SEIAA in a report furnished before the Ld. Tribunal in O.A. No. 71 of 2019 (Sanjeev SJ) assured the Ld. Tribunal that cumulative impact of the proposed project on the structures will be considered. It was on the basis of this submission by the SEIAA that the application before the Ld. Tribunal was disposed of. The Ld. Tribunal in its order dated 14.10.2019 mentioned the following:

*"2 According to the report filed on 24.08.2019, it is stated that Environmental Clearance (EC) was duly granted on 07.06.2019. The built-up area is now sought to be expanded which is yet to be considered. A report has also been received from the SEIAA to the effect that standard Terms of*

*Reference (ToR) have been issued and EIA study will consider cumulative impact of the proposed project on the structures in the meeting to be held on 18.10.2019.”*

Despite the undertaking of the SEIAA before the Ld. Tribunal, no cumulative impact assessment was undertaken or considered by the SEIAA, and there are various lacunae in the appraisal of the EIA study as is evident from the following:-

- it is borne out from the minutes of the 98th meeting of the SEIAA dated 18.10.2019 that no such cumulative impact assessment or study was done. The minutes of the meeting are as extracted hereinbelow: *“Authority noted the decision of NGT dated 14.10.2019 and the report submitted by the Committee with SPCB as Nodal Agency, to NGT. Authority noted that no further action is pending with SEIAA except the issue of EC for which appraisal process is in progress.”*
- The non-application of mind of the Respondents is evident from the minutes of the 98th meeting of the SEIAA dated 18.10.2019, wherein the SEIAA noted that *“no further action is pending with SEIAA”*, when it was required to consider the cumulative impact of the proposed expansion on the structures in its vicinity. While the assessment for the EIA Report was in-process, no cumulative impact assessment was undertaken despite the assurance, which was given to the Ld. Tribunal and recorded by this Ld. Tribunal in its order of 14.10.2019 in O.A. 71 of 2019 (Sanjeev SJ).
- While in the minutes of its 102nd meeting dated 26.08.2019, the SEAC directed Dragonstone that, *“the EIA study should also consider the cumulative impact of the proposed project on the structures nearby”*, no such cumulative assessment is found in the EIA report. The EIA Report even states at page 1-9 that: *“Apart from the standard ToR, the study includes cumulative impact of the proposed project on the structures nearby viz. the impact on traffic, the water & electricity supply, liquid and solid waste generation and its treatment and disposal.”* However, a perusal of the report shows that no such cumulative impact assessment was done. Only *“traffic impact assessment”* and *“social impact assessment”* was done. An

incomplete EIA report was accepted by the SEIAA and on the basis of the same the impugned EC was granted.

- The EIA study also mentions in the Meteorological parameters that the district has significant benefit of both monsoon– southwest monsoon and northeast monsoon. However, the presence of monsoon does not bode well for the region as the project land being marshy wetland will result in flooding of the nearby area if construction is brought on it. This is not dealt with at all in the EIA study, and neither is the lacunae noticed or considered by the SEIAA, despite the fact that Kerala has continued to witness its worst floods in the last three years, in over a century.
- Moreover, there are two bodies mentioned in the EIA study close to the project site: Thettiyar Thodu – West Direction and Small Drain- East Direction. There is a 2 acre water body being constructed by the Project Proponent in the Technopark property in the north east direction. This water body will allegedly be maintained by the Project authorities with the support of Technopark. There is also a thodu (drain) passing through the site which will be shifted/re-routed, but no procedure was specified by the Project Proponent for this. The Project Proponent failed in examining the anticipated impacts on any of these water bodies as done for other bodies in Table 4.1 of the EIA study (“Matrix of Identified Environmental Aspects and their Anticipated Impacts from the project”). That the SEIAA failed to consider and appraise these crucial issues. Significantly, the re-routing of the natural drain, and altering and alienating water bodies for industrial purposes cannot be permitted, under the guise of providing alternatives, as per the ruling of the Hon’ble Supreme Court in **Jitendra Singh v. MoEF&CC, in civil appeal No. 5109 of 2019, decided on 25.11.2019**, in which the Hon’ble Supreme Court held that *“The respondents’ scheme of allowing destruction of existing water bodies and providing for replacements, exhibits a mechanical application of environmental protection.”* Although it might be possible to superficially replicate a water body elsewhere, however, there is no guarantee that the adverse effect of

destroying the earlier one would be offset. Destroying the lake, would kill the vegetation around it and would prevent seepage of groundwater which would affect the already low water -table in the area. The people living around the lake would be compelled to travel all the way to the alternative site, in this case allegedly almost 3 kilometres away. Many animals and marine organisms present in the earlier site would perish, and wouldn't resuscitate by merely filling a hole with water elsewhere. Further, the soil quality and other factors at the alternate site might not be conducive to growth of the same flora, and the local environment would be altered permanently. **The respondents' reduction of the complex and cascading effects of extinguishing natural water- bodies into mere numbers and their attempt to justify the same through replacement by geographically larger artificial water bodies, fails to capture the spirit of the Constitutional scheme and is, therefore, impermissible**". The Land Revenue Commissioner in his letter dated 13.07.2021, has also confirmed the existence of water bodies on certain survey numbers (sys nos. 290, 352, 353 and 365) in the lands in question, and has relied on the judgement of the Hon'ble Supreme Court in **Jitendra Singh v. MoEF&CC**, to prevent reclamation and conversion of the same.

- It is submitted that the SEAC has also completely ignored the lacunae in the EIA Report in that it fails to mention the wetlands completely. Given that Kerala has continued to witness its worst floods in the last three years, in over a century, and the fact that wetlands are of great ecological importance in that they play a crucial role in preventing floods, while acting as natural sponges, the SEIAA has completely and woefully failed to assess the cumulative impact of the project activities on these wetlands, which overlap the lands in question.
- That the Kerala Municipal Building Rules, 2019 specify certain limits for the Floor Area Ratio ("FAR") of various types of building occupancy. Rule 27 of the Kerala Municipality Building Rules, 2019, provides for the calculations of floor space index which limits the maximum building area.

Rule 27 (iv) specifies that in the case of Government owned Information Technology Parks, Government approved private Information Technology parks, Government approved private Information Technology buildings, under Group E occupancy, the maximum permissible F.S.I. shall be 4 and the maximum permissible coverage shall be 60%. As per the calculations under said rules, the built-up area applied for in the Environmental Clearance is evidently 8.8 times the size. The SEAC evidently failed to notice this flagrant violation of the Kerala Municipal Building Rules, 2019. The SEIAA also failed to notice this violation, as is seen from the conditions in the EC itself. Condition No. 7 states as follows: “7. *The construction activities shall be carried out as per the approved Building plan observing all rules and regulations under Kerala Municipal Building rules.*” It is evident that the conditions were issued by SEIAA in a mechanical manner without considering that the Kerala Municipal Building Rules, 2019 were already violated by Dragonstone by claiming such an extensive built-up area.

- That in the section on “Environmental Sensitivity”, where Dragonstone has stated ‘None in the area’ against the column “Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration”, there is no mention of migratory fauna, such as the little grebe, pheasant tailed Jacana, large egret, Indian shag, oriental darter, moorhen and different kinds of plovers, which are dependent on the Veli-Akkulam wetland system. It is pertinent to note that the number of fish species in the Veli-Akkulam wetland ecosystem have fallen from over 300 half a century back to just around 25 today, owing to reclamation and pollution. It is also significant to note that the project proponent has itself stated that “There are various native species of trees, shrubs, herbs etc. existing at site as part of floral ecology. Some of the species identified are exotic & invasive species. Also the site has several faunal species.”, in the section on “Vegetation” in Form 1-A, to the question “Is there any threat of the project to the biodiversity? (Give a description

of the local ecosystem with its unique features, if any). The SEIAA and SEAC have blatantly missed these contradictory statements of the project proponent in the Forms submitted, and have also failed to consider the cumulative environmental impact of the project.

- That in the section on ‘Vegetation’ in Form 1-A, to the question “Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)”, Dragonstone has stated that:

*“There are various native species of trees, shrubs, herbs etc. existing at site as part of floral ecology. For the development of the project site, the existing vegetation will be cleared from the site. As per the “Kerala Promotion of Tree Growth in Non-Forest Areas (Amendment) Act, 2007”, no permission is required for cutting of these trees.”.*

However, as per the “Kerala Promotion of Tree Growth in Non-Forest Areas (Amendment) Act, 2007” the act applies to non-forest lands in notified areas. Definition of non-forest land , Section 2(c) - "Non-forest land" includes all private lands, lands vested in or transferred to or purchased by the Local Self Government Institutions, but does not include Cardamom Hill Reserve lands, lands declared or deemed to have been declared as reserve forest or any other forest land or land assigned to Scheduled Tribes under any law, for the time being in force and paddy fields; Given that the SEIAA in its 93rd meeting observed that the lands are paddy fields, the SEIAA has failed to conduct even a cursory inspection on the matter of such extensive tree felling on the lands in question, without obtaining proper consent.

- 1) That the SEAC has carried out the appraisal in a routine and cursory manner with reference to the scoping and appraisal process for determining Terms of Reference, which is evident from the following:-
  - In its 92nd meeting dated 22.01.2019, with regard to the application for TORs for the proposed expansion, the SEAC observed that the land in

question was indeed wetland. It asked Dragonstone to prepare a compliance report on certain observations, including that the site is on a wetland and that waterlogging should be corrected. The minutes of the meeting are as extracted hereinbelow:

*“The Committee accepted the observations of the Sub Committee and decided to ask the proponent a compliance report on the following observations: ... 3. The site is located in a wetland which is reclaimed partly 4. The basement floors planned will be located in water logged conditions and the proponents should specify what they will do to correct this.”*

- On another occasion, in the 96th SEAC meeting dated 26.04.2019 and 27.04.2019, the SEAC accepted the site inspection report prepared by Sub Committee and noted that : *“1. The proposal to relocate the DG set form the basement is not considered. 2. A map showing stormwater management to be submitted.”* However, the subsequent meeting minutes fail to consider these points, and it was not recorded by the SEAC whether a compliance report and relevant documents were indeed submitted by Dragonstone in accordance with the 92nd and 96th meetings.
- That the SEIAA in its 91st meeting dated 29.04.2019 directed joint verification of the site by the MoEF&CC and the SEAC in accordance with the advice of the Standing Counsel. Ultimately, the Committee conducting joint verification observed in its report that the areas were of paddy field cultivation, and was exempted from Section 3 of the Kerala Conservation of Paddy Land and Wetland Act, 2008. However, the Committee evidently failed to take into consideration the ample documentary evidence that the land for the proposed expansion was a wetland as set forth in Para 6(c) and (d) of this Rejoinder.
- The SEIAA then, without conducting any further enquiry as to how the Committee arrived at its decision, held in its 93rd meeting dated 30.05.2019 that the ToR applied for by Dragonstone can be considered and ToR issued by SEAC. It stated as follows:

*“Upon examination of the documents and field observations in the project location the Committee has observed that the area was found to be areas of paddy field cultivation. However the area of land has been exempted from the provision of Section 3 under the Kerala*

*Conservation of Paddy & Wetland Act 2008 vide GO (MS) 40/2018/Rev dt.03.02.2018.”*

It was also observed by the team that a rivulet passing through the western portion of the project area has been clogged with construction residue. The above inspection report suggests that the ToR applied for by M/s Dragon Stone Pvt. Ltd. for the built up area of 2,71,164.4 m<sup>2</sup> with the total plot area of 3.937 ha as a category 8(b) project can be considered and ToR issued by SEAC. Then SEIAA also decided to send the report to NGT. That this shows complete non-application of mind by the SEIAA with respect to the presence of wetlands at the project site.

- That the SEAC and SEIAA failed to notice that due to the interruption caused in the EIA process by the ongoing NGT proceedings, Dragonstone had remained silent on the conditions relating to wetlands and stormwater compliance reports/documents (as imposed by the SEAC in its 92nd and 96th meetings). This indicates a complete lack of application of mind and a failure to include essential conditions specified for a compliance report.
- Furthermore, the SEAC in its 108th meeting dated 13.01.2020 issued additional specific conditions to the project proponent as follows:

*“i) Increase surface water quality monitoring stations proposed for EIA study to 5 from the proposed number of 3. The added monitoring station shall be located in the downstream portion of Thettiyar. ii) Ensure that selection of technology for STP is done , considering the location of site and crossing of Thettiyar through the proposed plot, adequate for ensuring zero discharge or cent percent recycle / reuse of treated water in the Campus for gardening/ toilet flushing/ make up water in the A/c system/ local ground water recharging etc.”*

These special conditions were later approved in the 103rd meeting of the SEIAA dated 24.02.2020.

- This was done by the SEAC without considering that the standard TORs had already been accepted by it in its 102nd meeting dated 26.08.2019 and that the study period for the EIA study was already completed (October-December 2019). Moreover, the EIA study was submitted in March 2020, merely a month after SEIAA approved the special conditions. As such, these special conditions were not included in the EIA study, and its

noncompliance was overlooked in consideration by both the SEAC and the SEIAA.

- In fact, in the 118th meeting of the SEAC dated 01.02.2021, the SEAC conveyed its decision to recommend the grant of EC to Dragonstone. It issued generic and boilerplate conditions with no regard for the specificity of the situation or the pre existing wetlands.
- In the minutes of the 118th meeting of the SEAC dated 01.02.2021, while deciding to recommend the issuance of EC to Dragonstone, the SEAC erroneously observed that no proceedings are pending against the Project Proponent. However, the Appellant's revision was still pending before the Government of Kerala under Section 28 of the Kerala Conservation of Paddy Land and Wetland Act, 2008. These pending proceedings have been completely omitted for consideration by the SEAC in its decision to grant EC.

m) That the casual nature of the appraisal can be seen from the fact that no discussion whatsoever on any of these aspects was carried out in any of the meetings of the SEAC when the project was considered by the SEAC. The SEAC has carried out the appraisal in a routine and cursory manner and failed to state any reasons as to why these aspects have not been delved into. From the facts that have been elucidated above, it is clear that the consideration of the present proposal for expansion by the SEAC and the SEIAA have all been wholly inadequate and not in accordance with what has been envisaged in the EIA Notification, 2006. Para 7(ii)(IV) of the EIA Notification, 2006 specifies that the Expert Appraisal Committee is required to carry out a detailed scrutiny of all aspects of the proposal. Similarly, the SEIAA has failed to apply its mind and has routinely accepted the recommendations of the SEAC. As per Paragraph 8(ii) of the EIA Notification 2006, the SEIAA has the power to disagree with the recommendations of the SEAC and request its reconsideration. However, the SEIAA has also failed to apply its mind and has not disagreed with the SEAC on these material aspects.

n) That the Ld. Tribunal vide judgment dated 12.09.2011 in **Sarpanch Grampanchayat Tiroda v. The Ministry of Environment and Forests** (Appeal

No. 3 of 2011) expressed the importance of a cumulative impact assessment as follows:

*“Unfortunately, the cumulative effect of these four proposed projects was not considered to be of significant in causing environmental pollution in a small area. It appears an impression is sought to be created that there was only one application of Tiroda mine and at that time the Redi mine was not in operation. When number of mines are sought to be considered in a small area of Sawantwadi Taluk, the EAC was expected to examine various aspects such as the cumulative impact of Air, Water, Noise Flora, Fauna and Socio-economic aspects in view of large number of transport vehicles, plants and machinery, etc. that would be operating in the area. It would have been appropriate, if a cumulative impact study was undertaken to take care of all existing/proposed mines within 10 km of the present project site apart from Redi mine, if any. Therefore, we are of the opinion that these aspects were not properly assessed and examined scientifically and therefore, the EIA report requires to be re-examined afresh. Thus, the EIA report suffers from incorrect and insufficient data which pertains to a period much prior to grant of ToR, therefore, the EIA report cannot be said to be sufficient for the purpose of recommending grant of EC.”*

In the case at hand, given the presence of the eco-sensitive backwaters and wetlands in the vicinity, a cumulative impact assessment was obligatory. As such, these aspects were not properly assessed by the SEIAA and the EIA Report was not sufficient for recommending grant of EC by SEIAA. The obligation to conduct a cumulative impact assessment is reflected in various Supreme Court cases such as *Alaknanda Hydro Power Company Ltd. v. Anuj Joshi and Ors.*, [(2014) 1 SCC 769], and *K. Guruprasad Rao v. State of Karnataka and Ors.* [(2013) 8 SCC 418].

- o) That the SEAC has not conducted a detailed scrutiny of the proposal as required under Para 7(i)(IV) of the EIA Notification, 2006, as elaborated upon by this Tribunal in the matter of *Jeet Singh Kanwar v. Union of India*, reported in **2013 SCC OnLine NGT 1** and also in *Sreeranganathan K.P. v. Union of India*, reported in **2014 SCC OnLine NGT 5631** where this Ld. Tribunal held that the EAC did not give adequate reasons showing how the concerns raised by the public had been addressed by the Project Proponent and had blindly approved the project - *“Thus, appraisal of the project carried out by the EAC is vitiated due to non-application of mind to relevant considerations. The minutes of the EAC recommending the grant of EC is in complete violation of law. The reading of the minutes would show that there was no detailed scrutiny of the issues involved. 13 aspects were pointed out during the public hearings which were not even addressed by EAC in its meetings. The EAC has blindly approved the explanation of the*

*project proponent.*” In the present case, the SEAC had clearly approved the project with no application of mind as seen by its 118th meeting on 01.02.2021 deciding to recommend issue of EC to Dragonstone. It issued generic and boilerplate conditions with no regard for the specificity of the situation or the pre existing wetlands.

- p) That the Ld. Tribunal in **Sreeranganathan K.P. v. Union of India**, reported in **2014 SCC OnLine NGT 5631**, where this Ld. Tribunal found fault with the process leading up to the grant of the EC since sector specific issues had not been dealt with. The NGT extensively reviewed the information submitted with regard to the construction and held thus:

*“182. ... a duty is cast upon the EAC or SEAC as the case may be to apply the cardinal principle of Sustainable Development and Principle of Precaution while screening, scoping, and appraisal of the projects or activities.*

While so, it is evident in the instant case that the EAC has miserably failed in the performance of its duty not only as mandated by the EIA Notification, 2006, but has also disappointed the legal expectations from the same. For a huge project as the one in the instant case, the consideration for approval has been done in such a cursory and arbitrary manner without taking note of the implication and importance of environmental issues. ...Thus, the EAC has not conducted itself as mandated by the EIA Notification, 2006 since it has not made proper appraisal by considering the available materials and objections in order to make proper evaluation of the project before making a recommendation for grant of EC.

- q) That the manner in which the proposal has been recommended by the SEAC and the EC has been granted by the SEIAA has failed to follow the principles for the exercise of administrative discretion as laid down by the Hon’ble Supreme Court in matters such as **A.P.SRTC v. STAT**, reported in **(1998) 7 SCC 353** where the Hon’ble Supreme Court has laid down as follows – “

*The relevant principles formulated by the courts may be broadly summarised as follows. The authority in which a discretion is vested can be compelled to exercise that discretion, but not to exercise it in any particular manner. In general, a discretion must be exercised only by the authority to which it is committed. That authority must genuinely address itself to the matter before it: it must not act under the dictation of another body or disable itself from exercising a discretion in each individual case. In the purported exercise of its discretion, it must not do what it has been*

*forbidden to do, nor must it do what it has not been authorised to do. It must act in good faith, must have regard to all relevant considerations and must not be swayed by irrelevant considerations, must not seek to promote purposes alien to the letter or to the spirit of the legislation that gives it power to act, and must not act arbitrarily or capriciously.”*

That the SEAC has ignored several relevant considerations and failed to genuinely address itself to the proposal and has thus clearly failed to properly exercise its discretion.

- r) That with regard to the exercise of administrative discretion, in the matter of **CED v. Prayag Dass Agarwal**, reported in (1981) 3 SCC 181, the Hon’ble Supreme Court has highlighted that the said discretion cannot be exercised in an arbitrary or capricious manner –

*“13. When once it is held that the power of the Government under Section 52 of the Act is administrative and discretionary, it follows that the said power should be exercised subject to the same limitations which govern all such administrative and discretionary powers. The Central Government or the authority which is competent to take a decision should exercise its discretion bona fide and in good faith by addressing itself to the matter before it and should not allow itself to be influenced by extraneous and irrelevant considerations. The question should not be disposed of in an arbitrary or capricious way.”*

The fact that certain additional specific conditions were recommended by the SEAC in its 108th meeting dated 13.01.2020 but the SEAC and SEIAA did not notice that these additional conditions did not form part of the EIA Report, show that the proposal has been recommended by the SEAC and EC granted by the SEIAA in an arbitrary manner akin to a mere formality, without any discussion on the relevant environmental concerns arising from the project, and has been disposed off in an arbitrary and capricious way.

- s) It is submitted that the Precautionary Principle mandates that environmental measures must anticipate, prevent and attack the cause of environmental degradation. It further states that in matters concerning the environment, it is better to err on the side of caution. The Public Trust doctrine mandates that natural entities including wetlands, are held in trust by the state for the benefit of people and in the best interest of flora and fauna. Unfortunately, despite this, the state and its agencies have considered the environmental clearance process in the most casual, lackadaisical manner. Thus, the impugned Environmental Clearance suffers from

the vice of illegality, irregularity and procedural impropriety. Hence, the present appeal under Section 16(h) of the National Green Tribunal Act, 2010 before this Ld. Tribunal challenging the impugned Environmental Clearance dated 06.03.2021.

### **PARA WISE RESPONSE**

- The contents of Para Nos. 1, 2, 3 and 4 require no response being in the nature of a formal recital.
- The contents of Para No. 5 (i) need no response, as they are factual averments relating to the parties to the appeal.
- That the contents of Para No 5(ii) are incomplete and misleading. It is not denied that the final and complete application for Environmental Clearance, along with the EIA report and Environment Management Plan ('EMP') for the proposed expansion was submitted on 20.03.2020, and that the 'Terms of Reference' were issued as per the 102nd meeting of the SEAC dated 27.08.2019, however, the Respondent has deliberately concealed the entire process of 'scoping' conducted, as required under the EIA Notification 2006, and material discussions and considerations in the meetings having taken place before the 102nd meeting of the SEAC for the appraisal of the ToRs, which are as follows:-
  - that the Terms of Reference ('ToR'), including the incomplete and misleading Forms 1 and Form 1-A were first submitted by the project proponent to the SEIAA on 01.10.2018, and that the ToRs were first considered by the SEAC in its 90th meeting dated 04.01.2019. In Form 1-A, pt. 10, the project proponent has stated that *"The Environment Management Plan will be submitted with EIA Report after ToR approval."* It was observed in the 90th meeting of the SEAC that the proposal was incomplete, lacking many details and important data. Therefore, the SEAC ordered a site inspection by forming a sub-committee.
  - In its 92nd meeting dated 22.01.2019, with regard to the application for TORs for the proposed expansion, the SEAC observed that the land in question was indeed wetland. It asked Dragonstone to prepare a compliance report on certain observations, including that the site is on a wetland and that waterlogging should be corrected. The minutes of the meeting are set forth above in Para 6(p) of this Rejoinder.

- the SEAC, in its 95th meeting dated 28.03.2019, considered the Application for Terms of Reference for the Proposed Expansion by Project Proponent. The Committee noted that certain documents were missing in the application and hence, ordered for submission of the same.
- the SEAC in its 96th meeting dated 27.04.2019, noted that the proposal to relocate the DG set from the basement is not considered and also required submission of a map showing stormwater management to be submitted.
- the SEAC, in its 102nd meeting, 27.08.2019, considered the application for Terms of Reference by Project Proponent for Proposed Expansion. The Committee decided to issue standard Terms of Reference stating that the EIA study shall also consider the cumulative impact of the proposed project on the structures nearby.
- the SEAC, in its 108th meeting dated 13.01.2020 issued additional specific conditions to the project proponent directing them to increase surface water quality monitoring and ensure that selection of technology for Sewage Treatment Plant is done, as set forth in detail in Para 6(x) of this Rejoinder. These special conditions were later approved in the 103rd meeting of the SEIAA dated 24.02.2020.

However, with reference to the scoping process for determining Terms of Reference, and it is submitted that:-

- the subsequent meeting minutes fail to consider any of these points and it was not recorded by the SEAC whether a compliance report and relevant documents were indeed submitted by Dragonstone in accordance with the 92nd and 96th meetings.
- Further, the SEAC issued the additional specific conditions in its 108th meeting, without considering that the standard and boilerplate TORs had already been accepted by it in its 102nd meeting dated 26.08.2019 and that the study period for the EIA study was already completed (October-December 2019). Moreover, the EIA study was submitted in March 2020, merely a month after SEIAA approved the special conditions 24.02.2020. As such, these special conditions were not included in the EIA study, and its noncompliance was overlooked in consideration by both the SEAC and the SEIAA.
- Moreover, a perusal of the EIA report shows that no such cumulative impact assessment was done. Only “traffic impact assessment” and “social impact

assessment” was done. An incomplete EIA report was accepted by the SEIAA and on the basis of the same the impugned EC was granted.

- That the contents of Para No. 5 (iii) and (iv) need no response as such, as they are factual averments relating to the Respondent’s 112th and 113th meeting dated 12.08.2020, and 03.11.2020 respectively, wherein it decided to seek legal opinion from the Standing Counsel regarding any court directions concerning the Environmental Clearance for Proposed Expansion. As per the recommendation of the standing counsel, a joint committee was constituted. Ultimately, the Committee conducting joint verification observed in its report that the areas were of paddy field cultivation, and was exempted from Section 3 of the Kerala Conservation of Paddy Land and Wetland Act, 2008. However, the Committee evidently failed to take into consideration the documentary evidence that the land for the proposed expansion was a wetland as averred by the Appellant in Para 6 (c) and (d) of this Rejoinder.
- That the contents of Para No. 5 (v), (vi), (vii) are factual averments relating to the Respondent’s 116th, 117th and 118th meetings, dated 02.12.2020, 28.12.2020, 01.02.2021 respectively, regarding the sub-committee’s field inspection report. In the minutes of the 118th meeting of the SEAC, while deciding to recommend the issuance of EC to Dragonstone, the SEAC erroneously observed that no proceedings are pending against the Project Proponent. However, the Appellant’s revision was still pending before the Government of Kerala under Section 28 of the Kerala Conservation of Paddy Land and Wetland Act, 2008. These pending proceedings have been completely omitted for consideration by the SEAC in its decision to recommend the grant of EC. Further, the SEAC has failed to apply its mind with regard to the existing law on re-routing of natural water bodies (thodu on the project site). The Land Revenue Commissioner in his letter dated 13.07.2021, has also confirmed the existence of water bodies on certain survey numbers (sys nos. 290, 352, 353 and 365) in the lands in question, and has relied on the judgement of the Hon’ble Supreme Court in **Jitendra Singh v. MoEF&CC**, to prevent reclamation and conversion of the same. Significantly, the re-routing of the natural drain, and altering and alienating water bodies for industrial purposes cannot be permitted, under the guise of providing alternatives, as per the ruling of the Hon’ble Supreme Court in **Jitendra Singh v. MoEF&CC, in civil appeal No. 5109 of 2019, decided on 25.11.2019,**

in which the Hon'ble Supreme Court held that **“The respondents’ scheme of allowing destruction of existing water bodies and providing for replacements, exhibits a mechanical application of environmental protection.** Although it might be possible to superficially replicate a water body elsewhere, however, there is no guarantee that the adverse effect of destroying the earlier one would be offset. Destroying the lake, would kill the vegetation around it and would prevent seepage of groundwater which would affect the already low water -table in the area. The people living around the lake would be compelled to travel all the way to the alternative site, in this case allegedly almost 3 kilometres away. Many animals and marine organisms present in the earlier site would perish, and wouldn't resuscitate by merely filling a hole with water elsewhere. Further, the soil quality and other factors at the alternate site might not be conducive to growth of the same flora, and the local environment would be altered permanently. **The respondents’ reduction of the complex and cascading effects of extinguishing natural water- bodies into mere numbers and their attempt to justify the same through replacement by geographically larger artificial water bodies, fails to capture the spirit of the Constitutional scheme and is, therefore, impermissible”.**

- That the contents of Para 5 (viii) and (ix) are factual averments relating to the issuance of the impugned EC by the SEIAA, based on the recommendations of the SEAC. It is reiterated that the SEAC has not conducted a detailed scrutiny of the proposal as required under Para 7(i)(IV) of the EIA Notification, 2006, as elaborated upon by this Tribunal in the matter of **Jeet Singh Kanwar v. Union of India**, 2013 SCC OnLine NGT 1 and also in **Sreeranganathan K.P. v. Union of India**, 2014 SCC OnLine NGT 5631, as enunciated in Para 6(o) of this Rejoinder. It is also submitted that the manner in which the proposal has been recommended by the SEAC and the EC has been granted by the SEIAA has failed to follow the principles for the exercise of administrative discretion as laid down by the Hon'ble Supreme Court in matters such as **A.P.SRTC v. STAT**, (1998) 7 SCC 353, as set forth in Para 6(q) of this Rejoinder and in the matter of **CED v. Prayag Dass Agarwal**, as enunciated in Para 6(r) of this Rejoinder.
- That the contents of Para 6 are wrong and denied. That it is reiterated that despite the undertaking of the SEIAA before the Ld. Tribunal, no cumulative impact assessment was undertaken or considered by the SEIAA, and there are various lacunae in the appraisal of

the EIA study as is clearly evident from the details set out in Para 6(k) of this Rejoinder. It is also submitted that the scoping exercise for issuance of Terms of Reference, undertaken by the SEAC reeks of non-application of mind by the SEAC, as is evident from the details set forth in Para 6(l) of this Rejoinder. The SEAC has carried out the appraisal in a routine and cursory manner and failed to state any reasons as to why these aspects have not been delved into. From the facts that have been elucidated above, it is clear that the consideration of the present proposal for expansion by the SEAC and the SEIAA have all been wholly inadequate and not in accordance with what has been envisaged in the EIA Notification, 2006.

- That the contents of Para No. 7 require no response, being a request from the Respondent to file an additional reply at the time of argument, as so required to assist this Hon'ble Tribunal.
- As regards Para No. 8, it is submitted that the impugned Environmental Clearance suffers from the vice of illegality, irregularity and procedural impropriety. That the state and its agencies have considered the environmental clearance process in the most casual, lackadaisical manner, without the application of the cardinal principles of sustainable development and precautionary principle, as enunciated by this Hon'ble Tribunal in **Sreeranganathan K.P. v. Union of India**, 2014 SCC OnLine NGT 5631, the relevant extract of which is set forth in Para 6 (p) of this Rejoinder. That it is clear that the consideration of the present proposal for expansion by the SEAC and the SEIAA have all been wholly inadequate and not in accordance with what has been envisaged in the EIA Notification, 2006.
- That, in light of the above, the prayers in this appeal should be allowed.

Pass any such order deemed fit by this Hon'ble Tribunal in the facts and circumstances of the case.

*[Signature]*

**APPELLANT**

**THROUGH**

*[Signature]*

**RITWICK DUTTA**

**RAHUL CHOUDHARY**

**SRISHTI AGNIHOTRI**

**G. STANLY HEBZON SINGH**

**ADVOCATES FOR THE APPELLANT**

**DRAWN BY:**  
**Vera Shrivastav**  
**Advocate**

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**PLACE: NEW DELHI**

**DATE: 21.01.2022**

**VERIFICATION**

I, Thomas Lawrence, aged about 56, s/o P.T.Lawrence Pullankulam, r/o GV 79, Divisional Office Road, Near PMG Junction, Thiruvananthapuram, Kerala 659 033, do hereby verify that that the contents of the paragraphs stated above are true to my personal knowledge and are believed to be true on legal advice and I have not suppressed any material fact.

Verified at Thiruvananthapuram on this the 22nd day of November, 2021.



*[Signature]*

**APPELLANT**  
S. PRAMOD LL.B., M.B.L.  
ADVOCATE & NOTARY  
Vanchiyoor

Thiruvananthapuram  
Kerala State, India - 695 035  
Mob: 9447011111  
22/11/2021

**ATTESTED**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE BENCH AT CHENNAI**

**APPEAL NO. 54 OF 2021 (SZ)**

**IN THE MATTER OF:**

THOMAS LAWRENCE

...APPELLANT

VERSUS

STATE ENVIRONMENT IMPACT ASSESSMENT

AUTHORITY, KERALA AND OTHERS

...RESPONDENTS

**AFFIDAVIT**

I, Thomas Lawrence, aged about 56, s/o P.T.Lawrence Pullankulam, r/o GV 79, Divisional Office Road, Near PMG Junction, Thiruvananthapuram, Kerala 659 033, do hereby solemnly affirm and declare as under:

1. That I am the Appellant in the above titled Appeal and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

*Thomas Lawrence*

**DEPONENT**

**VERIFICATION**

Verified on this 22 day of November, 2021 at Thiruvananthapuram that the contents of the present affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

*S. Pramod*

**DEPONENT**

**ATTESTED**



**S. PRAMOD LL.B., M.B.L.  
ADVOCATE & NOTARY  
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22/11/2021