

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

Appeal No. 60 of 2024

BETWEEN:

Minering Aggregates Private Limited

... Appellant

Versus

State Environment Impact Assessment Authority (SEIAA)

... Respondent

REJOINDER STATEMENT ON BEHALF OF THE APPELLANT TO THE REPLY

STATEMENT FILED BY THE RESPONDENT

I, Antony S. Alukkal, the Managing Director of the Appellant having office at Door No. 17/436A, Kurishupally Road, Adat, Thrissur District, Kerala – 680 551, do hereby solemnly affirm and sincerely state as follows:

1. I am the managing director of the Appellant and as such am well acquainted with the facts of the case. The present rejoinder statement is being filed as a response to the reply statement dated 13.11.2024 filed by the respondent.
2. The Appellant has filed the present appeal against the proceedings of the SEIAA, Kerala in SIA/KL/MIN/277481/2022, 2118/EC2/2022/SEIAA dated 13.06.2024 (hereinafter the "Impugned Order"), in so far as it has summarily rejected the Appellant's application for Environmental Clearance for the proposed mining operation in Kolathur village, Kasaragod Taluk, Kasaragod, as being arbitrary and illegal. The Appellant states that they had submitted an application for Environmental Clearance (EC) for granite building stone mining for an area of 4.7998 Ha at Re-Sy Block No. 1, Re-Sy Nos. 23/1 pt427,



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23/1 pt 426, 23/1 pt434 & 23/1 pt375, in Kolathur village, Kasaragod Taluk, Kasaragod vide application No. 2118/EC2/2022/SEIAA on 14.10.2022.

3. The Appellant categorically denies each and every allegation in the reply statement, save and except what has been specifically admitted hereinafter.

PARA WISE RESPONSE:

4. **Para 1:** The contents of this para are a matter of record and merit no response.
5. **Para 2:** With respect to the contention that there were local protests against the project and with respect to the new proposed road, I state that there are only four houses within a 200m radius, out of which the occupants of two of them used to be quarry workers. Moreover, two owners of the four houses are ready and willing to sell their houses to the Appellant, and the Appellant is willing to purchase the same. I state that all four houses are also situated beyond a 50m radius of the proposed site.
6. The Respondent claims that there is an abandoned quarry pit present in the project area. I state that the said quarry pit is very small, so much so that the stones in the said quarry pit were extracted by hand. Regardless of the fact that the said quarry pit is not the Appellant's, the Appellant has paid a fine of approximately Rs. 4 lakhs to the Department of Geology and Mining in order to regularise the same. Once the project is allowed to commence, the Appellant will ensure that no waterlogging occurs in the said pit.
7. The Respondent has incorrectly alleged that the soil thickness in the project area is around 2.2m. This is completely false. I state that the soil thickness at the project site is less than 2m. This is evident from the slope stability study



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conducted in the project site. The report on slope stability is annexed herewith.

8. The Respondent has claimed that a small portion of the project area in the north east falls in the medium hazard zone. Apart from the fact that this was not mentioned in the minutes of the 143rd meeting, it is also factually incorrect. The satellite map of the project area demonstrates that the entire project site falls within the low hazard zone only. The same is filed herewith. I state that even in the slope stability report, it was concluded that *'the quarry site is located within the safe zone'*. Further, the Respondent has stated that the project site is in the middle side slope. However, as per the slope stability report, the elevation difference between the upper and lower part of the quarry is just 50m and concluded that *'slope instability problems are unlikely in this quarry site'*.
9. Furthermore, the Respondent has incorrectly claimed that the proposed site is located on the side of a hill with relative relief of around 100m with moderate slope and significant thickness of soil. I state that as per the slope stability report the continuity of the slope in the profile is limited to 60m of slope length only. The Respondent has incorrectly considered the slope to be 100m whereas it is only 60m. It is further denied that the proposed site is highly vulnerable to soil erosion. As per the slope stability report, the soil thickness is less than 2m. Moreover, the presence of rocky out crops in the site further reduces the average thickness of over burden. This adds to the capacity of the surface material to drain out water without saturating the over burden. The report concludes *'In times of rains, the material is unlikely to fail as higher pore water pressure buildup is unlikely. More over this overburden material will be removed in the development stage of the quarry reducing any further chance of*



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slope failure.' Furthermore, the Appellant has taken all the steps necessary to ensure very low damage occurs to the environment. With respect to the loss of vegetation in the proposed site, the buffer zone around the pit will be provided with additional vegetation cover. The vegetation surrounding the proposed site will be maintained as present.

10. The Appellant humbly states that the precautionary principle does not apply to the present case when there are known alternative courses of action that are safe and the likelihood or scale of a potential risk is too low, which is the case in the instant project.
11. **Para 3:** The contents of this para merit no response in as much as they only provide details with respect to the writ petition filed by the Appellant.
12. **Paras 4 and 5:** A bare perusal of this para demonstrates that the Respondent has not given due consideration to the Appellant's application. In the hearing note, the Appellant assured that the entire rainwater from the catchment area will be directed to silt settling ponds and after treatment, the water will be used for local and agricultural usage. The Appellant reassured that no water will be allowed to reach the Chandragiri River which is 66m away from the proposed site and therefore, there will be no contamination. The Appellant proposed to install a water treatment plant at the site for distributing potable water to the villages and is willing to bear the cost of labour, water treatment chemicals, electric power and maintenance charge and is further willing to hand over the water treatment plant to the local body for supervision. Due to the installation of this water treatment plant, the Appellant is eliminating pollution to the river and distributing potable water to the public.



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13. For this purpose, the Appellant had engaged Ecoguard agency which is the empanelled Project Management Consultants of IMPACT KERALA LTD. (Government of Kerala) for water treatment. Ecoguard is headed by Mr. Aloysius, a NABL assessor (DPIIT, Ministry of Commerce and Industry, Govt. of India) who has 36 years of service in a Central Government firm and is highly experienced in water and waste water treatment. Ecoguard prepared a suitable proposal for water treatment and for water management which guaranteed that no water will be allowed to the river which is 60m away from the site. The Appellant states that they had enclosed the plan and drawing of the proposal and the detailed project proposal for water treatment plan to treat rain water collected in the mining area to the hearing note which was submitted by mail and uploaded to parivesh website.

14. The Appellant submits that the Chandragiri River is situated at a distance of more than 66m from the boundary of the proposed quarry as per the survey map approved by the Revenue authorities and this survey map was submitted along with the application for EC before the SEIAA. The Appellant states that under Rule 10(f) of the Kerala Minor Mineral Concession Rules 2015, the minimum distance from any river or stream from the boundary of a minor mineral mining project is only 50 meters. Rule 10(f) states:

“Every quarrying permit, except for ordinary earth, under rule 9 shall be granted subject to the following conditions, namely:-

...

*the permit holder, in cases where explosives are not used for quarrying, shall not carry on or allowed to be carried on any quarrying operations at or to any points within a distance of ... **50 metres from any reservoir, tanks, canals, rivers, bridges, other public works, residential buildings, the boundary walls***



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of places of worship, burial grounds, burning ghats or forest lands or village roads except with the previous permission.”

15. **Para 6:** The contentions in this para are a reiteration of para 2.

16. **Para 7:** Even though the Respondent has “provided” multiple hearings, the Respondent has not given due consideration to the Appellant’s application and has summarily rejected the Appellant’s application without reasons. The Appellant humbly reiterates that the precautionary principle does not apply to the present case when there are known alternative courses of action that are safe and the likelihood or scale of a potential risk is too low, which is the case in the instant project.

For the reasons stated above, it is humbly prayed that this Hon’ble Tribunal may be pleased to allow the present appeal and pass such other order or orders as deemed fit and proper in the circumstances of case and thus render justice.

Dated at on this the day of June, 2025.




APPELLANT

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