

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

APPEAL NO.88 of 2017 (SZ)

Petitioner : George Issac

5th Respondent : Kerala State Pollution Control Board

**ADDITIONAL REPORT FIELD BY THE ENVIRONMENTAL
ENGINEER AS PER INSTRUCTIONS OF THE HON'BLE
NATIONAL GREEN TRIBUNAL**



STANDING COUNSEL FOR THE 5TH RESPONDENT:



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

APPEALNO.88 of 2017 (SZ)

Petitioner : George Issac

5th Respondent : Kerala State Pollution Control Board

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4	Exhibit R5(b): Copy of the acknowledgement no. KSPCB/296/2024-EE-1 dated 22.06.2024 of KSPCB	

Dated this the 25th day of July, 2024

STANDING COUNSEL FOR THE 5th RESPONDENT



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

Appeal No. 88 of 2017 (SZ)

George Issac : Appellant

VS.

Ministry of Environment, Forests &
Climate Change & Others : Respondents

**ADDITIONAL REPORT FILED BY THE ENVIRONMENTAL
ENGINEER, KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE II, PERUMBAVOOR (5th RESPONDENT)**

I, Sajeesh Joy, aged 48 years, S/o V. A. Joy, now working as Environmental Engineer, Kerala State Pollution Control Board (hereinafter referred to as Board), District Office-II, Perumbavoor, Ernakulam, do hereby submit the additional report in Appeal No. 88 of 2017.

In compliance with the order of the Hon'ble NGT dated 30/11/2023 in Appeal 88 of 2017, the Environmental Compensation (EC) was assessed by the Board and direction was issued to the 6th respondent. Report on the same has been submitted before the Hon'ble NGT on 17.05.2024. Copy of the said report is produced herewith and marked as **Exhibit R5(a)**.

Environmental compensation was assessed as Rs.1,88,10,000/- (Rupees One Crore Eighty eight Lakhs and Ten Thousand only) and direction under Environmental (Protection) Act 1986, was imposed to the 6th respondent on



[Handwritten signature]

Environmental Engineer

15/05/2024. It is submitted that, in compliance to the direction, the 6th respondent has remitted the Environmental compensation to the Board on 28.05.2024. Copy of the acknowledgement of the Board is produced herewith and marked as **Exhibit R5(b)**.

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

Dated this the 25th day of July, 2024.



DEPONENT



Environmental Engineer

VERIFICATION

I, Sajeesh Joy, aged 48 years, S/o V. A. Joy, now working as Environmental Engineer, Kerala State Pollution Control Board, District Office (EKM-II), Perumbavoor, Ernakulam, duly authorized to file this reply on behalf of the Kerala State Pollution Control Board do hereby verify on this, the 25th day of July, 2024, that all what is stated above is true and correct to the best of my knowledge, information and belief and is borne out from the records maintained in our office.

Environmental Engineer

Sajeesh Joy
Environmental Engineer,
District Office - II (Ernakulam),
Kerala State Pollution Control Board, Perumbavoor.



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

APPEAL NO. 88 of 2017

GEORGE ISSAC : Appellant

VS.

Ministry of Environment, Forests &
Climate Change & Others : Respondents

AFFIDAVIT

I, Sajeesh Joy, aged 48 years, S/o V.A Joy, residing at Kakkanadu, do hereby solemnly affirm and state as follows:

I am now working as the Environmental Engineer, District Office – II (Ernakulam), Kerala State Pollution Control Board at Perumbavoor, Ernakulam District. I am competent to and duly authorized to represent the 5th respondent in the above case. I know the facts and circumstances of the case. The factual submissions made here under are true and correct to the best of my knowledge, information and belief. The legal submissions made therein are made on advice received from Counsel. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying reply on file and it is so humbly prayed in the interests of justice in this case.

SJ

SAJEESH JOY, DEPONENT

Solemnly affirmed and signed before me by the literate deponent personally known to me on this the 25th day of July, 2024 at my office in Ernakulam.

STANDING COUNSEL FOR THE 5TH RESPONDENT

Environmental Engineer



KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്



DISTRICT OFFICE (ERNAKULAM-II), PERUMBAVOOR

ജില്ലാകാര്യാലയം (എറണാകുളം-2) പെരുമ്പാവൂർ

PMC. 20/733, Near Kallumkal Auditorium, Perumbavoor - 683 542

പിഎംസി. 20/733, കല്ലുകൽ ഓഡിറ്റോറിയം സമീപം, പെരുമ്പാവൂർ - 683 542

☎: 0484-2593747

e-mail: pcbdo2ekm@gmail.com

web: www.keralapcb.nic.in



PCB/EKM/DO-2/GEN-57/18

Date: 17.05.2024

From

The Senior Environmental Engineer

To

Adv. Rema Smrithi V.K
No.2, Temple Glade apt,
Beach Road, Kalakshetra Colony,
Basant Nagar,
Chennai - 600090.

Sub: Report on Application No. 88 of 2017 - reg.

Ref: E-mail dated 14/05/2024 from the Legal Section, Head office, KSPCB.

Sir,

With reference to the above, report on Application No. 88 of 2017 and Exhibits in connection with M/s Slabs & Aggregates is forwarded herewith.

Yours faithfully

Senior Environmental Engineer

Senior Environmental Engineer

Encl: Report

Environmental Engineer



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

APPLICATION NO. 88 of 2017 (SZ)

Petitioner : George Issac

5th Respondent : Kerala State Pollution Control Board

**REPORT FIELD BY THE SENIOR ENVIRONMENTAL ENGINEER AS
PER INSTRUCTIONS OF THE HON'BLE NATIONAL GREEN
TRIBUNAL**

STANDING COUNSEL FOR THE 5TH RESPONDENT:

gias

Environmental Engineer



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

APPLICATION NO. 88 of 2017 (SZ)

Petitioner : George Issac
5th Respondent : Kerala State Pollution Control Board

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3	Exhibit R5(a) : Copy of the Circular No. PCB/TAC/WP/236/2006 dated 13.06.2007.	
4	Exhibit R5(b): Copy of the Stop Memo dated 20.07.2015.	
5	Exhibit R5(c): Copy of the notice dated 07.02.2024.	
6	Exhibit R5(d): Copy of the notice dated 07.02.2024.	
7	Exhibit R5(e): Copy of the minutes of the meeting conducted on 16/02/2024.	
8		
9	Exhibit R5(f): Copy of the letter No. PCB/EKM/DO-2/GEN-57/18 dated 26/03/2024.	
10	Exhibit R5(g): Copy of Direction under Environmental (Protection) Act 1986, dated 15/05/2024.	

Dated this the 17th day of May, 2024



STANDING COUNSEL FOR THE 5th RESPONDENT

Environmental Engineer



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

Appeal No. 88 of 2017 (SZ)

George Issac : Appellant

VS.

Ministry of Environment, Forests &
Climate Change & Others : Respondents

**REPORT FILED BY THE SENIOR ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, DISTRICT
OFFICE II, PERUMBAVOOR (5th RESPONDENT)**

I, Shiju M.A., aged 46 years, S/o Late M.C. Ayyankutty, now working as Senior Environmental Engineer, Kerala State Pollution Control Board, District Office-II, Perumbavoor, Ernakulam, do hereby submit the report in Appeal No. 88 of 2017.

It was directed by the Hon'ble NGT vide order dated 30/11/2023 in Appeal 88 of 2017 that the Kerala State Pollution Control Board (hereinafter referred to as Board) shall comply with the directions given earlier by the Hon'ble NGT vide judgment dated 26/10/2021 in Appeal 88 of 2017, as there is no existing interim order (stay) by the Hon'ble High Court in WP(C) No. 35120/2022.

The Hon'ble NGT had directed vide judgment dated 26/10/2021, Kerala State Pollution Control Board (KSPCB) to initiate appropriate proceedings for violations committed by the 6th respondent, M/s Slabs & Aggregates, Kadayirippu P.O., Kolenchery, Ernakulam- 682311, for operating the granite quarrying unit without obtaining consent from the Board under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act,

gij



awssm

Senior Environmental Engineer

1981, after assessing the period of violation, impose compensation for the violation and take steps to recover the amount from the 6th respondent in accordance with law.

In compliance with the above, the Environmental Compensation (EC) is assessed by the Board and submitted below:

ESTIMATION OF ENVIRONMENTAL COMPENSATION IN COMPLIANCE WITH THE ORDER OF HON'BLE NGT(SZ) DATED 26.10.2021 IN APPEAL NO. 88 OF 2017 (SZ)

As per the guidelines of the Central Pollution Control Board (CPCB), the Environmental Compensation (EC) based on 'Polluter Pays' principle is calculated using the following formula, subject to the condition that the general EC for a violation shall be a minimum of Rs. 5,000/- per day and a maximum of Rs. 60,000/- per day.

I. Environmental Compensation for operating quarry without consent,

$$EC = PI \times N \times R \times S \times LF \text{ (in INR)}$$

Where,

EC is Environmental Compensation in ₹

PI = Pollution Index of industrial sector

N = Number of days of violation took place

R = A factor in Rupees (₹) for EC

S = Factor for scale of operation

LF = Location factor

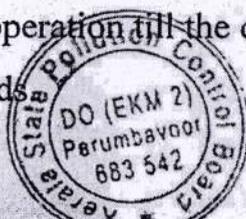
I.a Pollution Index (PI)

Pollution Index of industrial sector shall be a minimum of 60 and maximum of 100. Average pollution index is taken as 80.

I.b Number of days operating without consent of KSPCB (N)

Number of days operating without consent of KSPCB shall be counted from the day on which quarry started first operation till the quarry had applied for consent from KSPCB, as per the available records.

[Handwritten Signature]



[Handwritten Signature]

Senior Environmental Engineer

Environmental Engineer

Application for consent to operate was received on 29.12.2015. The commissioning date of quarry is January 2000 as per the said application. A stop memo was issued to the quarry on 20.07.2015 by the District Geologist.

As per circular no. PCB/TAC/WP/236/2006 dated 13.06.2007, existing quarries shall apply for and obtain clearance (consent to operate) from the Board within three months from 13.06.2007.

For the purpose of calculating the total number of days for which quarrying operations were done without obtaining consent from KSPCB, the number of days may be counted from 13.09.2007 (as per circular dated 13.06.2007) till 20.07.2015 (the date on which the District Geologist had issued stop memo). Copies of the said circular and stop memo are produced herewith and marked as **Exhibit R5(a)** and **Exhibit R5(b)** respectively.

No. of days from 13.09.2007 to 20.07.2015 (N) = **2866 days** or **7 years, 10 months, 11 days** (including Sundays, national and state holidays since for calculating environmental degradations due to violations, the total no. of days shall be taken into consideration).

I.c Rupee Factor (R)

As per CPCB guidelines R shall be in the range of 100 to 500 and usually taken as 250. The minimum value of R may be taken as **250**.

I.d Scale factor (S)

Scale	S factor
Micro/Small Scale (< Rs 5 Crores)	0.5
Medium Scale (Rs 5-10 Crores)	1
Large Scale (>10 Crores)	1.5

24
Environmental Engineer



[Signature]
Senior Environmental Engineer

I.e Location Factor (LF)

LF = 1 (Since population is less than one million).

The considerations for the calculation of Environmental Compensation for operating quarry without consent of KSPCB are as detailed below:

$$\text{Environmental Compensation (EC)} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

$$\text{PI} = 80$$

$$\text{N} = 2866 \text{ days}$$

$$\text{R} = 250$$

$$\text{S} = 0.5$$

$$\text{LF} = 1$$

$$\text{Environmental Compensation (EC)} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

$$= 80 \times 2866 \times 250 \times 0.5 \times 1$$

= Rs. 2,86,60,000/- (Rupees Two Crore Eighty Six lakh Sixty thousand only) i.e @ Rs.10,000/- per day of violation.

Environmental Compensation is assessed as Rs. 2,86,60,000/- (Rupees Two Crore Eighty Six lakh Sixty thousand only). Notice of Environmental Compensation has been issued to the 6th respondent on 07.02.2024 directing to show cause why the Environmental Compensation assessed shall not be imposed. A copy of the notice is produced herewith and marked as **Exhibit R5(c)**. A notice also issued to the occupier on 07.02.2024 to attend hearing proposed to conduct on 16.02.2024 to present the facts/case justifying non levy of the Environmental Compensation. A copy of the notice is produced herewith and marked as **Exhibit R5(d)**.

A hearing was conducted on 16/02/2024 by the Chairperson of the Board and as per the decision taken in the hearing, the unit was instructed to submit a representation to the KSPCB District Office-II Ernakulam with all relevant details regarding the number of non-working days. A copy of the minutes of the meeting conducted on 16/02/2024 is produced herewith and marked as **Exhibit R5 (e)**. The 6th respondent submitted stock registers in this office for verification. The stock registers

Signature

Environmental Engineer



Signature

Senior Environmental Engineer

were verified and the total number of working days were found to be 1881 days (after deducting the non-working days, holidays and sundays and the days for which the mining lease was not valid) and a letter dated 26/03/2024 was forwarded to the Regional office of KSPCB for further proceedings. A true copy of the letter No. PCB/EKM/DO-2/GEN-57/18 dated 26/03/2024 is produced herewith and marked as **Exhibit R5(f)**.

Based on the revised number of working days, the Environmental Compensation is assessed as Rs. 1,88,10,000/- (Rupees One Crore Eighty Eight Lakhs and Ten Thousand only) for 1881 days during the period from 13/09/2007 to 20/07/2015.

Environmental Compensation (EC) = PI x N x R x S x LF

PI = 80

N = 1881 days

R = 250

S = 0.5

LF = 1

Environmental Compensation = 80 x 1881 x 250 x 0.5 x 1

= Rs.1,88,10,000/-

(Rupees One Crore Eighty Eight Lakhs and Ten Thousand only).

Environmental compensation is assessed as Rs.1,88,10,000/- (Rupees One Crore Eighty Eight Lakhs and Ten Thousand only). Direction under Environmental (Protection) Act 1986, was imposed to the 6th respondent on 15/05/2024. A true copy of the same is produced herewith and marked as **Exhibit R5(g)**.

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

Dated this the 17th day of May, 2024.

[Handwritten Signature]

Environmental Engineer

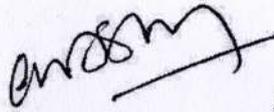


[Handwritten Signature]

DEPONENT
Senior Environmental Engineer

VERIFICATION

I, Shiju M.A., aged 46 years, S/o Late M.C. Ayyankutty, now working as Senior Environmental Engineer, Kerala State Pollution Control Board (hereinafter referred to as **Board**), District Office(EKM-II), Perumbavoor, Ernakulam, duly authorized to file this reply on behalf of the Kerala State Pollution Control Board do hereby verify on this, the 17th day of May, 2024, that all what is stated above is true and correct to the best of my knowledge, information and belief and is borne out from the records maintained in our office.

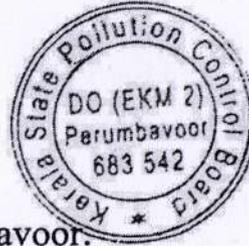


Shiju M.A

Senior Environmental Engineer

Senior Environmental Engineer,
District Office - II (Ernakulam),

Kerala State Pollution Control Board, Perumbavoor.



Environmental Engineer



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

APPEAL NO. 88 of 2017

GEORGE ISSAC

:

Appellant

VS.

Ministry of Environment, Forests &
Climate Change & Others

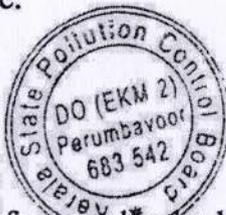
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Respondents

AFFIDAVIT

I, Shiju M.A., aged 46 years, S/o Late M.C. Ayyankutty, residing at Kakkanadu, do hereby solemnly affirm and state as follows:

I am now working as the Senior Environmental Engineer, District Office – II (Ernakulam), Kerala State Pollution Control Board at Perumbavoor, Ernakulam District. I am competent to and duly authorized to represent the 5th respondent in the above case. I know the facts and circumstances of the case. The factual submissions made here under are true and correct to the best of my knowledge, information and belief. The legal submissions made therein are made on advice received from Counsel. In these circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying reply on file and it is so humbly prayed in the interests of justice in this case.



Shiju M.A.

SHIJU M.A., DEPONENT
Senior Environmental Engineer

Solemnly affirmed and signed before me by the literate deponent personally known to me on this the 17th day of May, 2024 at my office in Ernakulam.

STANDING COUNSEL FOR THE 5TH RESPONDENT



[Signature]

Environmental Engineer

Exhibit R(5)(6)

☎ General: 0471-2312910, 2318153, 2318154, 2318155 Chairperson, 2318150 Member Secretary, 2318151
e-mail: chck@kspcb.gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in

KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്



Patton P.O., Thiruvananthapuram - 695 004
പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



KSPCB/296/2024-EE-1

Date: 22/06/2024

From
The Chairperson

✓
Managing Partner,
M/s Slabs & Aggregates
Kadayirippu P.O.,
Kolenchery - 682 311
Ernakulam

Sub: - Acknowledgement of amount paid towards Environmental
Compensation-reg.

Ref: - Your request dated 28/05/2024

Sir,

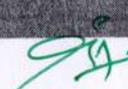
The payment of Rs. 1,88,10,000/- (Rupees One Crore Eighty Eight Lakh Ten Thousand Only), towards Environmental Compensation, in compliance with the order dated 30/11/2023 of Hon'ble National Green Tribunal in Appeal No.88 of 2017, is hereby acknowledged.

Yours faithfully,


CHAIRPERSON

Copy to:
Environmental Engineer
District Office-2,
Ernakulam




Environmental Engineer