

BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL SOUTHERN

ZONE, CHENNAI

APPEAL NO 4 OF 2025

IN THE MATTER OF:

Shaji A K

..... Appellant

Vs

The State Environment Impact Assessment Authority,

SEIAA , Kerala and others

..... Respondents

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Dated at Kochi on this the 10th day of September, 2025


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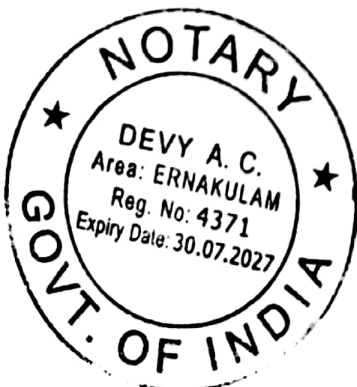
SEIAA , Kerala and others

..... Respondents

REPLY FILED BY THE 7TH RESPONDENT

I, M P Lalu , S/o. M K Pavithran, Mankudi House, Kodanad PO, Kurichilakode, Ernakulam District- 683544, do hereby solemnly affirm and sincerely state as follows:

1. I am well acquainted with the facts of the case from the available records and I am the Respondent No.7. I crave leave of the Hon'ble Tribunal to file statement as and when additional facts are available to the Respondent. This Hon'ble Tribunal directed and granted time on 18.07.2025 for filing the reply. The averment in the



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M-P. Lalu

AP Lahmmz

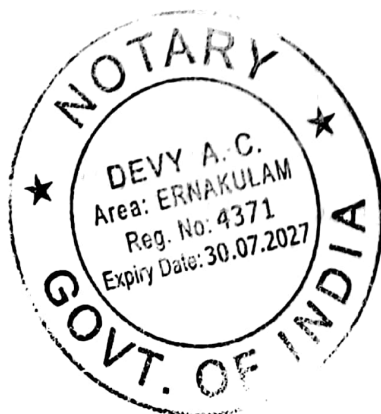
reply of 3rd respondent is also taken. I have received the reply copy of 3rd respondent only now. Hence this reply is filed.

2. At the outset it is submitted that Annexure A1 was issued on 20.09.2023. The present appeal is seen filed only on 20.10.2024. There is delay of one year in filing the appeal. The application or representation at wrong forum or wrong challenge is no ground for condonation of delay. The appeal is not maintainable . On that ground itself the appeal is liable to be rejected.


3. The filing of Writ petition 43954/2023 on 19/12/2023 or the Judgment dated 08/4/2024 *leaving open the question with liberty to challenge the Environment Clearance before Tribunal* within one month from 8.4.25, will not extent the period of limitation. The order in IA 7/2024 in WP 43954/24 only said period involved before High Court shall be excluded. The period involved will be from 19/12/2023 to 08/04/2025. The present appeal is seen filed only on 20.10.2024. The application or representation at wrong forum or wrong challenge is no ground for condonation of delay. On that ground also the appeal is liable to be rejected, as not maintainable.

4. It is submitted that the Reply in para wise is traversed herein below: -

1&2) No remarks.

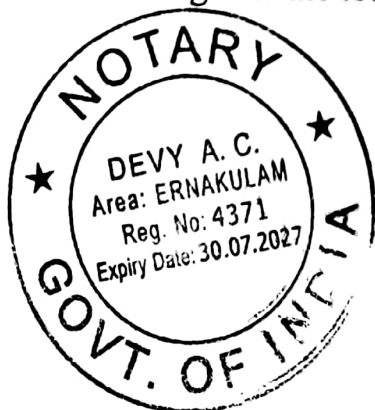


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M.P. Lahu 

3&4). It is submitted that allegations levelled in paragraph 3 and 4 of Appeal 4/2025 are all baseless and liable to be rejected. The Environmental Clearance was issued to 7th respondent for the Granite Building Stone Quarry Project for an area of 1.4336 Ha. at Re-Sy Block No. 37, Re-Sy Nos. 74/1Dpt, 74/608pt in Kuttoor Village, Payyannur Taluk, Kannur on 20.09.2023. The Environmental Clearance was issued by the EIA notification - 2006, of MoEF&CC and its subsequent amendments. During the appraisal process, the SEAC conducted the field inspection in and around the area and verified all the relevant documents including the cluster certificate issued from the District Geologist, Kannur, Mining and Geology Department. The SEAC/SEIAA assessed the cluster condition based on the amendments in EIA notification 2006, issued by MoEF&CC on 15.01.2016 (Annexure-A4), 01.07.2016 (Annexure-A5), 25.07.2018 (Annexure- A6), 14.08.2018 (Annexure-A7), the order of the National Green Tribunal dated 13.09.2018 and OM dated 12.12.2018 (Annexure-A8). As per the cluster certificate dated 24.06.2022 by the District Geologist, Kannur, it is noted that there are two quarries, viz; M/s Megha Engineering & Infrastructure Ltd. having an area of 2.1854 Ha and M/s RDS project Ltd. having an area of 0.9933 Ha (quarrying permit expired), within 500m radius of the proposed project area of 7th Respondent.

Altogether the total cluster area is 4.6123 Ha. (1.4336+2.1853+0.9933). Since the

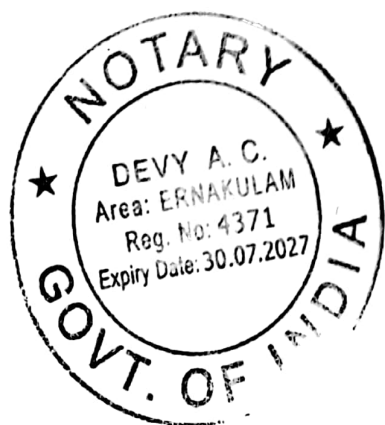


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total cluster area including the cluster certificate issued from the District Geologist, Kannur, Mining and Geology Department. The SEAC/SEIAA assessed the cluster condition based on the amendments in EIA notification 2006, issued by MoEF&CC on 15.01.2016 (Annexure-A4), 01.07.2016 (Annexure-A5), 25.07.2018 (Annexure-A6), 14.08.2018 (Annexure-A7), the order of the National Green Tribunal dated 13.09.2018 and OM dated 12.12.2018 (Annexure-A8). As per the cluster certificate dated 24.06.2022 by the District Geologist, Kannur, it is noted that there are two quarries, viz; M/s Megha Engineering & Infrastructure Ltd. having an area of 2.1854 Ha and M/s RDS project Ltd. having an area of 0.9933 Ha (quarrying permit expired), within 500m radius of the proposed project area of 7th Respondent. Altogether the total cluster area is 4.6123 Ha. (1.4336+2.1853+0.9933). Since the total cluster area the judgment of the Hon'ble NGT in OA 75 of 2021 and recommended EC for this project with 23 site Specific Conditions in addition to the General Conditions for mining of minor minerals. It is submitted that *before the issuance of Environmental Clearance, the SEIAA/SEAC has scrutinized all the relevant documents pertaining to the application for Environmental Clearance and sought several additional documents in various meetings, and also got report from stakeholder departments.* The shortcomings were rectified during the appraisal process and a field inspection by the Sub-Committee was also conducted for the



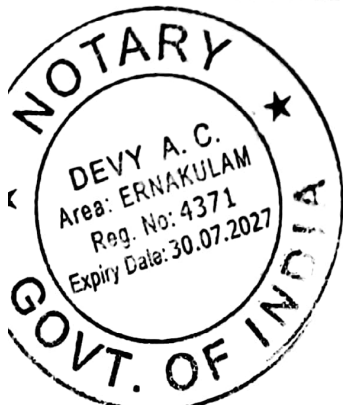
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ground realities and verified the adjacent areas. Since all the due procedures were followed before the issuance of EC by SEIAA, the contention of the petitioner is baseless.

5&6). It is submitted that allegations levelled in paragraph 5 and 6 of Appeal 4/2025 are all baseless and liable to be rejected. The judgment of the Hon'ble NGT is pertaining to the project of the M/s RDS Project Pvt. Ltd which is also situated in the same survey No. 74/1D. SEIAA has granted two EC's in the adjacent area, where there are resources available as per the approved mining plan. The two project areas are not part of the RDS Project area, even if it is in the same Sy. No. as that of RDS. During the appraisal process of this project, the SEAC noted that as per the joint committee report, quoted in the judgment of Hon'ble NGT in OA 75/2021, no further mining lease can be granted as the resources have been exhausted in that area. However, the statement was pertaining to the violation reported area of M/s RDS project. Besides, the mining plan for those projects were approved by the Mining & Geology Department, since there is resource to extract. It could be seen that as per the field visits conducted by SEAC subcommittee, and the report from the District Geologist, the boundaries of the quarry of Sri. M.P Lalu was not overlapping with other quarries in the area. As per the Order of the Hon'ble NGT dated 25.01.2022 in OA No.75/2021, there is only one direction to SEIAA, ie: to take action against the



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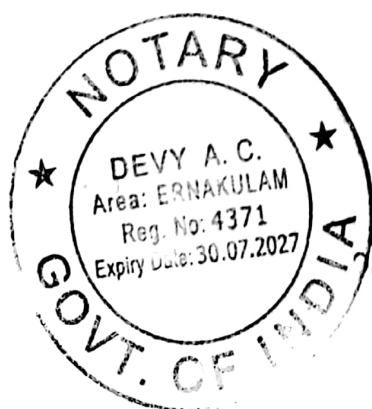
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Project Proponent, M/s RDS Project Ltd. for violation of EC conditions. The Authority in its 113th meeting held on 19th & 20th April 2022, noted the direction of the Hon'ble NGT in OA No. 75/2021 and observed that the direction towards SEIAA is to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

7). No remarks

8&9). It is submitted that allegations levelled in paragraph 8 and 9 of Appeal 4/2025 are all baseless and liable to be rejected. The SEAC/SEIAA assessed the cluster condition based on the amendments in EIA notification 2006, issued by MoEF&CC on 15.01.2016 (Annexure-A4), and the order of the Hon'ble National



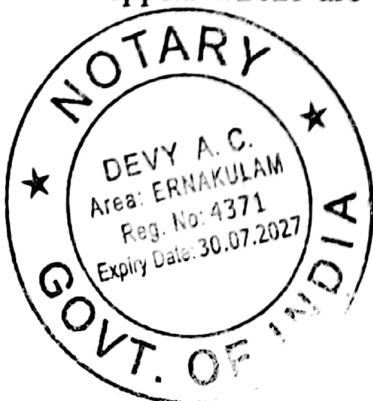
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M. P. Lalu

M. P. Lalu

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

10&11). It is submitted that allegations levelled in paragraph 10 and 11 of Appeal 4/2025 are all baseless and liable to be rejected. It is understood that the

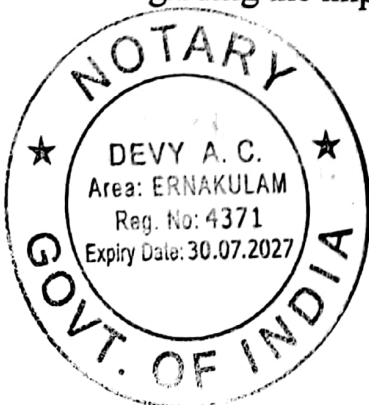


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M.P. Lelu 

appraisal of the EC application, based on the DSR made mandatory as per the Notification dated 16.01.2016 and prior to that, there was no DSR. The Mining & Geology Department prepared the DSR based on the guideline issued in 2016 and published the DSR in November 2016. It is true that the proposal was appraised by considering the DSR prepared in the year 2016. The said DSR was prepared by the Mining & Geology Department based on the S.O.141(E) of MoEF&CC dated 15.01.2016. Later the MoEF&CC vide its OM dated 25.07.2018 published the guidelines for the preparation of DSR. The Mining & Geology Department is revising the 2016 DSR based on the revised guideline. A few Project Proponents were submitted application to MoEF&CC during the time of expiry of the SEIAA Kerala and during appraisal, the EAC of MoEF&CC directed to provide DSR as per OM dated 25.07.2018. As per the judgment dated 16.02.2022, in WP(C) No 5209/2022, the Hon'ble High Court of Kerala issued direction to EAC to use the existing DSR. It is understood that the DSR prepared by the Department of Mining & Geology in November 2016 was considered while appraising the application for EC, by considering the judgment of the Hon'ble Court.

12,13&14). It is submitted that allegations levelled in paragraph 12,13 and 14 of Appeal 4/2025 are all baseless and liable to be rejected . It is understood that regarding the implementation of Annexure A6 notification, the Authority informed



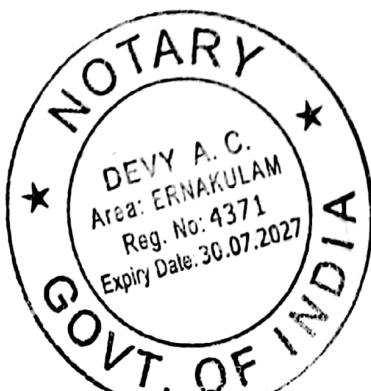
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M.P. Lulu *[Signature]*

the Mining and Geology Department to expedite the revision of the DSRs and they had prepared draft DSR for the minor minerals of Kollam and Kannur and submitted to SEIAA and is under scrutiny of SEAC. It is understood that after thorough verification, the DSRs will be approved with changes or modifications if any and also the process will follow for other districts. It is submitted that the SEAC subcommittee did not find any violation in the project area during their field inspection. It is submitted that allegations levelled in paragraph 12,13 and 14 of Appeal 4/2025 are all baseless and liable to be rejected.

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

16). It is submitted that allegations levelled in paragraph 16 of Appeal 4/2025 are all baseless and liable to be rejected.



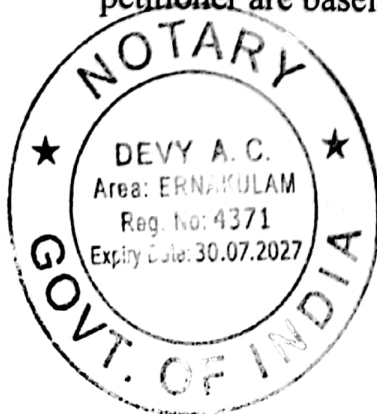
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17). It is submitted that allegations levelled in paragraph 17 of Appeal 4/2025 are all baseless and liable to be rejected . As per the EIA notification - 2006 issued vide S.O 1533 (E) of MoEF&CC dated 01.07.2016, it is stated that 'A cluster shall be formed when the distance between the peripheries of one lease is less than 500 mts from the periphery of other lease in a homogenous mineral area.' If a cluster or individual lease size exceeds 5 Ha, it becomes B1 Category and as per the judgment of the Hon'ble NGT dated 13.09.2018, EIA with EMP is mandatory. To finalize the EIA, the Project Proponents have to conduct the mandatory public hearing. Here, by considering all the quarries in 500m radius, the altogether area is less than 5 ha, which is B2 Category and hence no EIA is required. Even if the total cluster becomes more than 5 ha, each Project Proponent in the cluster has to submit separate application with same EIA report. In this case, based on the cluster certificate from the District Geologist and from the field inspection report, the area is below 5 Ha and EIA is not mandatory. The 7th respondent has submitted the required EMP along with the application. It is submitted that allegations levelled in paragraph 17 of Appeal 4/2025 are all baseless and liable to be rejected.

18,19&20). It is submitted that allegations levelled in paragraph 18,19 and 20 of Appeal 4/2025 are all baseless and liable to be rejected. The averments of the petitioner are baseless as the certificate provided by the District Geologist clearly

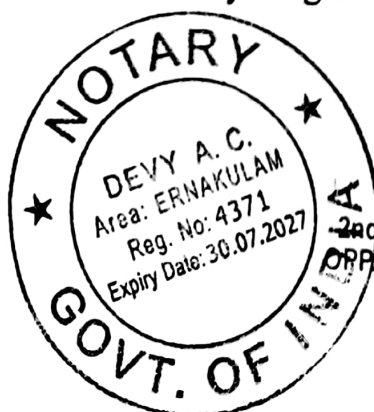


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indicates that there are two quarries having an area of 2.1854 ha and 0.9933 ha with in 500m radius. At the time of appraisal of the application of 7th Respondent, the 2nd quarry, M/s RDS Project was not working and it is stopped as per judgment dated 25.01.2022 in OA No.75/2022. Even if by considering the two projects there is no cluster situation as the total area is less than 5 Ha. Also, the field inspection conducted by the Sub-Committee confirms the same. Besides, there is no overlapping of the proposed area with the adjacent quarry. As per the cluster certificate, dated 24.06.2022- Annexure A9(a) from the Mining and Geology Department, it is noted that there are two quarries, viz; M/s Megha Engineering & Infrastructure Ltd. having an area of 2.1854 Ha (Letter of intent was granted) & M/s RDS Projects Ltd. having an area of 0.9933ha. As per the cluster certificate, EC was granted to the M/s Megha Engineering & Infrastructure Ltd. on 24th March 2023. Based on a complaint and the report from the District Geologist suspended by SEIAA vide order dated 21.05.2024 and a show cause notice was issued vide letter dated 21.05.2024. The reply to the Show Cause Notice was placed in the 142nd SEIAA meeting 30th and 31st May, 2024, and the Authority noted that the M/s Megha Engineering & Infrastructure Ltd. denied the alleged violations reported by the District Geologist and requested for a joint inspection to ascertain the fact. The Authority sought remarks of the District Geologist on the letter dated 08.5.24 of the

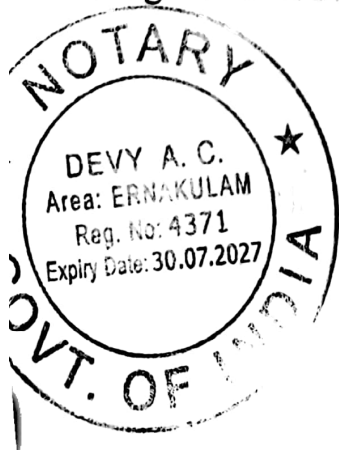


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M.P. Lahu

M. Lakshmi

Project Proponent to which the District Geologist reported the action taken by the Mining & Geology Department, as they have issued the demand notice for remitting royalty, price, and compounding fees for 1839.25 Metric Tons of Laterite building stone illicitly excavated from the lease area. In response to that, Sri. Madhusoodhanan, land owner submitted a treasury challan for Rs. 466,420 as compounding fee, royalty, and price for the unauthorized extraction of Laterite Building Stone on 06.03.2024. The District Geologist also reported that no action was taken regarding the Ordinary Earth, which remained dumped adjacent to the site without being transported, thus not violating the mineral concession rules. Later, a complaint was received from Sri. Shaji AK, and the 147th SEIAA meeting held on 27th & 28th August, 2024 and heard the complainant with his advocate Sri. Harish Vasudevan and Sri. Abdul Nizar, representative of the Project Proponent and Dr A. Damodaran, the Consultant. The Authority after hearing both the parties decided that, on receipt of the hearing notes, the SEAC shall inspect the project area in the presence of the complainant to verify the complaint and to assess the compliance status of the EC and submit the report with recommendations. The Authority also decided that the suspension issued will be revoked only after considering the report and recommendation of SEAC. Meantime, the Authority noted that vide the Judgment dated 25.09.2024 in WP(C) No. 33573 of 2024, the Hon'ble High Court



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M.P. Lahu

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of Kerala directed the Director, Mining & Geology Department to take a decision on the representation of the petitioner Sri. A. K. Shaji after hearing the Petitioner and the Project Proponent within a period of two months in the light of the fact that mining operation was carried out by the Proponent in violation of the condition of the KMMC Rules, 2015 and SEIAA is not a respondent in the Writ Petition. The 150th SEIAA meeting held on 27th and 28th November, 2024 decided to wait for the decisions of the Director, Mining & Geology Department as directed by Hon'ble High Court and in the meantime SEAC to conduct field inspection as directed in the 147th SEIAA meeting for finalizing the action to be taken against the Project Proponent. It is submitted that allegations levelled in paragraph 18,19 and 20 of Appeal 4/2025 are all baseless and liable to be rejected.

21) It is submitted that allegations levelled in paragraph 21 of Appeal 4/2025 are all baseless and without any merits and liable to be rejected.

22) It is submitted that allegations levelled in paragraph 22 of Appeal 4/2025 are all baseless and liable to be rejected. It is properly replied that Annexure A13 OM is based on the order of the Hon'ble NGT in OA No. 142/2022 in the matter of Jayant Kumar Vs. MoEF&CC, for the reappraisal of Environmental Clearances issued by DEIAA all over the country. As per the OM, direction was given to the EC holders

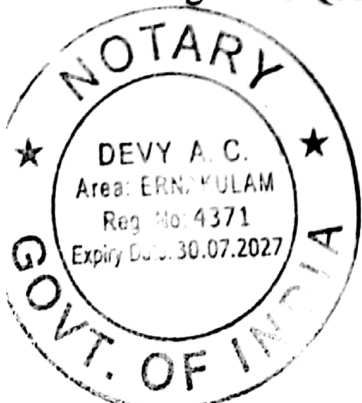


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M. P. Lulu 

who were granted EC from DEIAA for re-appraisal in the stipulated period. The EC to the 7th respondent's project was issued from SEIAA, Kerala and hence no need to re-appraise as per OM dated 28.04.2023. Among the quarries within 500m radius, M/s RDS Projects had DEIAA issued Environmental Clearance, but the same was not functional as per the Hon'ble NGT Order dated 25.01.2022, at the time of submission of Environmental Clearance" application by the 7th respondent. The EC of the M/s RDS project was cancelled by the Authority vide Order dated 19.11.2022. Also, in the case of DSR, the Authority considered the judgment by the Hon'ble High Court of Kerala in W.P (C) 5209/2022 dated 16th February 2022 which direct the EAC, MoEF&CC to consider the EC application on the basis of the DSR 2016. (Ananthu Sunil Vs. State of Kerala and Ors.). The same stand has been taken by department also. It is submitted that allegations levelled in paragraph 22 of Appeal 4/2025 are all baseless and liable to be rejected.

23&24) It is submitted that allegations levelled in paragraph 23 and 24 of Appeal 4/2025 are all baseless and liable to be rejected. It is evident that the EC was issued to 7th respondent after thorough appraisal. The SEAC appraised the application by verifying all the documents and additionally sought site specific documents, conducted field verification, heard the presentation of the project by the Registered Qualified Person who prepared the mining plan and also getting legal

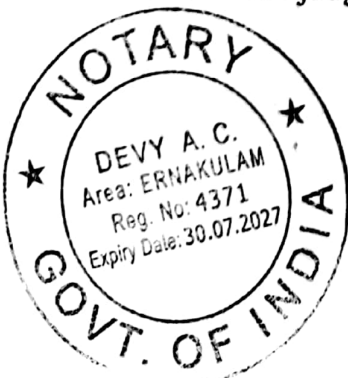


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M. P. Lalur *R. Lakshmi*

opinion from Legal Officer, SEIAA and additional reports from District Geologist, Kannur to ascertain the cluster condition and the resource availability in the proposed area. During the appraisal process of this application, the Committee noted that as per the joint committee report quoted in the judgment of Hon'ble NGT in OA 75/2021, no further mining lease can be granted as the resources have been exhausted in that area. However, the statement was pertaining to the violation reported area of M/s RDS project. Besides, the mining plan for those projects were approved by the Mining & Geology Department, since there is resource to extract. The SEAC again re-considered the proposal of 7th respondent as per the direction of the 3rd respondent (122nd meeting) and verified.. he averment of the petitioner regarding the overlapping of boundaries of quarries is baseless as the report of the District Geologist says otherwise. It is submitted that allegations levelled in paragraph 24 of Appeal 4/2025 are all baseless and liable to be rejected.

25) It is submitted that allegations levelled in paragraph 25 of Appeal 4/2025 are all baseless and liable to be rejected. The contention of the petitioner is not true. The SEIAA/SEAC has considered every aspect of the project including the EMP, cluster condition as per the cluster certificate and ground reality, Mining Plan, field inspection report, PFR, etc. during the appraisal of the project and hence there is no violation of judgments.



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26 & 27) It is submitted that allegations levelled in paragraph 26 and 27 of Appeal 4/2025 are all baseless and liable to be rejected. The Environmental Clearance was issued by following the due procedure laid down in the EIA notification - 2006, by MoEF&CC and its subsequent amendments. The DSR prepared by the Department of Mining & Geology in November 2016 was considered while appraising the application for EC. Also, as per the order of the Hon'ble High Court in WP (C) No.5209/2022 of Ananthu Sunil Vs State of Kerala, the Hon'ble Court ordered that the DSR 2016 should be considered by MoEF&CC while finalizing the orders regarding the Environmental Clearance. Regarding the implementation of Annexure A6 notification, the Authority informed the Mining and Geology Department to expedite the revision of the DSRs and they had prepared draft DSR for the minor minerals of Kollam and Kannur and submitted to SEIAA and is under scrutiny of SEAC. It could be seen from department reply that After thorough verification, the DSRs will be approved with changes or modifications if any and also the process will follow for other districts. A DO Letter reminding the expeditious process of the DSR preparation was also sent to the Director, Mining and Geology Department vide Letter No. 412/A2/2022/SEIAA dated 07.02.2024. During the appraisal process, the SEAC had conducted the field inspection and verified all the relevant documents including the cluster certificate issued from the



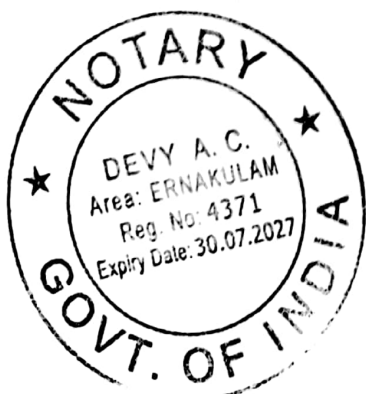
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Mining and Geology Department. It is stated by other respondent in reply that the representation (Annexure-A18) mentioned in the Statement was not received in the SEIAA office. It is submitted that allegations levelled in paragraph 26 and 27 of Appeal 4/2025 are all baseless and liable to be rejected.

28) It is submitted that allegations levelled in paragraph 28 of Appeal 4/2025 are all baseless and liable to be rejected. The Writ petition 43954/2023 vide Judgment dated 08/4/2024 was disposed '*leaving open the question with liberty to challenge the Environment Clearance before Tribunal*' within one month from 8.4.25, will not extent the period of limitation. No Appeal was filed within one month and hence present appeal is barred by Law.

29-34) It is submitted that allegations levelled in paragraph 29 -34 of Appeal 4/2025 are all baseless and liable to be rejected. At the outset it is submitted that Annexure A1 was issued on 20.09.2023. The present appeal is seen filed only on 20.10.2024. There is delay of one year in filing the appeal. The application or representation at wrong forum or wrong challenge is no ground for condonation of delay. The appeal is not maintainable . On that ground itself the appeal is liable to be rejected. The filing of Writ petition 43954/2023 on 19/12/2023 or the Judgment dated 08/4/2024 *leaving open the question with liberty to challenge the Environment*



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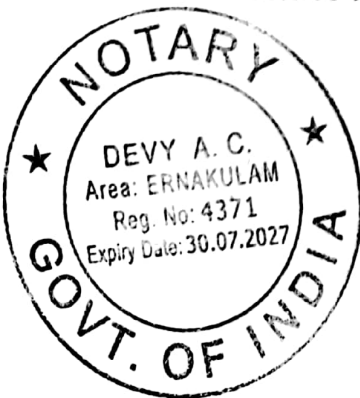
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Clearance before Tribunal within one month from 8.4.25, will not extent the period of limitation. The order in IA 7/2024 in WP 43954/24 only said period involved before High Court shall be excluded. The period involved will be from 19/12/2023 to 08/04/2025. The present appeal is seen filed only on 20.10.2024. The application or representation at wrong forum or wrong challenge is no ground for condonation of delay. On that ground also the appeal is liable to be rejected, as not maintainable.

35) The Annexure A24 judgment clears about the cluster situation in the area. In the judgment it is stated in paragraph 9 that "*...per se we are not able to say that ECs issued is in any flagrant violation of any norms.*" Further the appellant has challenged the orders in SLP 11251/24 and SLP 11253/24 and both the SLP were dismissed on 17.05.2024 by the Hon'ble Supreme Court of India. Hence those High Court orders have become final.

36) In Annexure 25 order the one month interim order was reviewed and only period of one month was granted to approach the Tribunal in proper appeal. Further the direction sought by petitioner for implementation of Ext P12 was declined. Further the appellant has challenged the orders in SLP 11251/24 and SLP 11253/24 and both the SLP were dismissed on 17.05.2024 by the Hon'ble Supreme Court of India. Hence those orders and judgment of Hon'ble High Court has become final.



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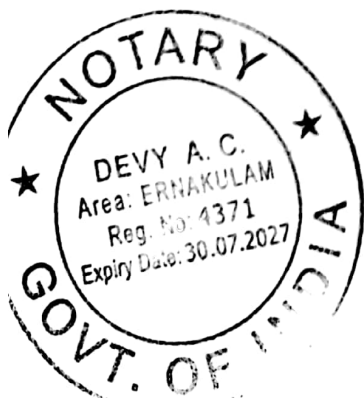
37,38,39) It is submitted that allegations levelled in paragraph 37,38 and 39 of Appeal 4/2025 are all baseless and liable to be rejected. The petition was disposed by Hon'ble Court directing the respondent Authorities to look into the representation and take appropriate action forthwith. As per the report of District Geologist dated 13.02.2024, based on the field inspection conducted by them on 27.09.2023 stated that the extraction of ordinary earth and laterite from the project site was carried out by violating the EC conditions. Ordinary earth was used for filling another quarry pit and laterite mining was done without obtaining separate EC. The Authority observed that the Project Proponent of M/s Megha Engineering & Infrastructure Ltd. has committed grave irregularity by violating the EC conditions. Based on the report, the Authority suspended the EC of M/s Megha Engineering and Infrastructures Ltd. and also issued a Show Cause Notice. However, the action was taken based on the violation of the EC and not with respect to the granting of EC. The proposal was placed in the 146th SEIAA meeting held on 29th and 30th July,2024. The proposal of M/s Megha Engineering and Infrastructures Ltd. was placed in the 146th SEIAA meeting and the Authority deliberated the item and noted the reply of the Project Proponent dated 08.05.2024 and the representation of Sri. A. K. Shaji dated 16.06.024. The Authority decided to hear the Project Proponent and the appellant Sri. Shaji in its next meeting. The hearing intimation was issued to Project Proponent



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and to Sri. A. K. Shaji (Appellant) vide letters dated 17- 08-2024. Both the appellant and Project Proponent were heard in the 147th SEIAA meeting held on 27th and 28th August 2024. As per the EIA notification - 2006 issued vide S.O 1533 (E) of MoEF&CC dated 01.07.2016, it is stated that 'A cluster shall be formed when the distance between the peripheries of one lease is less than 500 mts from the periphery of other lease in a homogenous mineral area.' If a cluster or individual lease size exceeds 5 Ha, it become B1 Category and as per the judgment of the Hon'ble NGT dated 13.09.2018 in OA No.186/2016 in the matter of Satendra Pandey vs MoEF&CC, EIA with EMP is mandatory. To finalize the EIA, the Project Proponents have to conduct the mandatory public hearing. Here, by considering all the quarries in 500m radius, the altogether area is less than 5 ha, which is B2 Category and hence no EIA is required. Even if the total cluster becomes more than 5 ha, each Project Proponent in the cluster has to submit separate application with same EIA report. In this case, based on the cluster certificate from the District Geologist and from the field inspection report, the area is below 5 Ha and EIA is not mandatory. As it is a B2 Category, since the area of below 5ha, no EIA report and public hearing is required. Though the area comprises a cluster of quarry projects, the cumulative area is well below 5ha and the averments of the petitioner regarding the splitting of the land is not true. The EMP of each project was considered



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separately by SEAC and specific recommendations were made to ameliorate the environmental impacts due to those quarry operations. Since the SEAC relied on its own field verification, input from joint committee report as per NGT order, cluster certificate and report regarding the overlapping of project area submitted by the District Geologist, and the documents submitted by the Project Proponent, the suppression of facts not evident here and the deliberate suppression of facts with regard cluster situation as alleged by the Appellant is not correct. The SEAC has considered the Annexure A3 judgment of the Hon'ble NGT and the joint committee report while arriving the recommendation of the project, and also sought legal opinion. The impacts have been already assessed by the team of experts constituted as per the Annexure-A3 judgment for the project of M/s RDS Projects Pvt. Ltd. and the entire area of M/s RDS projects Ltd was already mined out as per Annexure A10. Also, the observation of the Court is on the area of M/s RDS project and the proposed area by the 7th Respondent is an unmined area. It is submitted that allegations levelled in Appeal 4/2025 are all baseless and liable to be rejected.

40) It is submitted that allegations levelled in paragraph 40 of Appeal 4/2025 are all baseless and liable to be rejected. There were certain conditions imposed on the Environmental Clearance, which are all complied with. It is submitted that



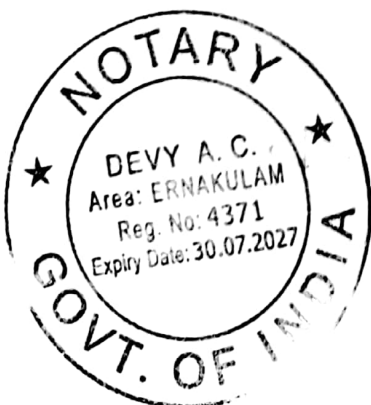
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allegations levelled in paragraph 40 of Appeal 4/2025 are all baseless and liable to be rejected.

41,42,43) It is submitted that allegations levelled in paragraph 41,42 and 43 of Appeal 4/2025 are all baseless and liable to be rejected. The SEIAA/SEAC has considered both the cluster certificate and the DSR prepared by the Mining and Geology Department 2016 for appraising the project. The applicant's allegations are baseless as the permits given in Annexure-A11 were only for the area of M/s RDS projects and the areas are almost same for the entire period. The area of 0.9933 Ha of M/s RDS projects Pvt. Ltd. has already been included in the cluster certificate issued by the District Geologist. Hence, considering the whole area of M/s RDS projects Pvt. Ltd will not lead to a cluster situation as it is less than 5ha. There is no documentary evidence for mining lease, as per the cluster certificate there are two quarries with in 500m radius, altogether becomes less than 5 ha. TOR, EIA and public hearing are not necessarily implied here. The application has been submitted through PARIVESH portal dedicated for the Environmental Clearance and during the submission of this application, Form-2 was the available option to submit for the proposed project. It is submitted that as per the Half Yearly Compliance Report dated

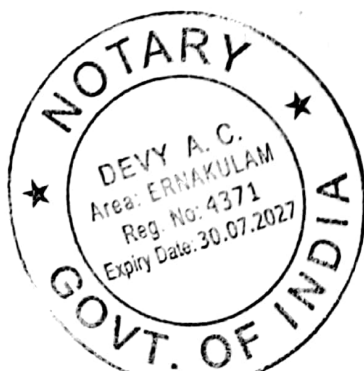


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29.09.2023, the Project Proponent has published an advertisement in local newspapers regarding Environmental Clearance accorded to the quarry project. Also, the Project Proponent has stated that the EC was uploaded in their Company website. A screenshot of the same was also attached along with the HYCR. It should be noted that Writ petition 43954/2023 on 19/12/2023 or the Judgment dated 08/4/2024 'leaving open the question with liberty to challenge the Environment Clearance before Tribunal' within one month from 8.4.25, will not extend the period of limitation. At the outset it is submitted that Annexure A1 was issued on 20.09.2023. The present appeal is seen filed only on 20.10.2024. There is delay of one year in filing the appeal. The application or representation at wrong forum or wrong challenge is no ground for condonation of delay. The appeal is not maintainable. On that ground itself the appeal is liable to be rejected. The order in IA 7/2024 in WP 43954/24 only said period involved before High Court shall be excluded. The period involved will be from 19/12/2023 to 08/04/2025. The present appeal is seen filed only on 20.10.2024. The application or representation at wrong forum or wrong challenge is no ground for condonation of delay. On that ground also the appeal is liable to be rejected, as not maintainable.

44) It is submitted that allegations levelled in paragraph 44 of Appeal 4/2025 are all baseless and liable to be rejected. As per the cluster certificate, there is no cluster



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M.P. Lahu

having area more than 5 ha. The SEAC/SEIAA issued the EC after thorough appraisal and considering the resource availability and judgment of Hon'ble NGT. It is submitted that allegations levelled in paragraph 44 of Appeal 4/2025 are all baseless and liable to be rejected. Hence the averments of the petitioner are baseless and is liable to be dismissed as such.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the plea and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in circumstances of the case and thus render justice.

Dated at Kochi on this the 10 th day of September, 2025

M.P. Lahu

Respondent no 7

M.P. Lahu

VERIFICATION

I, M P Lahu , S/o. M K Pavithran, Mankudi House, Kodanad PO, Kurichilakode, Ernakulam District- 683544, do hereby solemnly verify that the contents of paras are true to the best of my personal knowledge and from the statement of department and paras believed to be true on legal advice and that I have not suppressed any material fact.

Dated at Kochi on this the 10 th day of September, 2025.

M.P. Lahu

Respondent no 7

M.P. Lahu



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**BEFORE THE HONBLE NATIONAL
GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI
APPEAL NO 4 OF 2025**

IN THE MATTER OF:

Shaji A K Appellant

Vs

The State Environment Impact,

Assessment Authority SEIAA , Respondents

Kerala and others

**REPLY FILED BY THE
7TH RESPONDENT**

**PRAVEEN K JOY
FATHIMA SHALU
ADVOCATES**

**PRAVEEN. K. JOY
ADVOCATE
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